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THE ORDINANCES AND STATUTES

COMPRISING

THE CHARTER

OF THE

CITY OF MEDICINE HAT

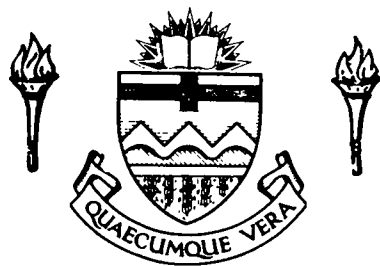
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THE ORDINANCES AND STATUTES

COMPRISING

THE CHARTER

OF THE

CITY OF MEDICINE HAT

Consolidated up to the 31st day of December, 1919

The Medicine Hat Charter

(Office Consolidation)

Being Chapter 63 of the Statutes of Alberta, 1906, as amended by the following Statutes of Alberta: Chapter 27, 1910 (2nd Session); Chapter 58, 1911-1912; Chapter 28, 1913; Chapter 35, 1913 (2nd Session); Chapter 38, 1914; Chapter 25, 1915; Chapter 33, 1916; Chapter 53, 1918; and Chapter 59, 1919.

TITLE I.

PRELIMINARY.

1. This Act may be cited as "*The Medicine Hat Charter*."

2. In this Act the word—

(1) "Elector" means a person entitled to vote at municipal and school elections in the said city;

(2) "Council" means the Municipal Council of the said city.

(3) "Burgess" means an elector who is qualified in respect of freehold property to vote on money by-laws;

(4) "Felony" means any indictable offence which since the passing of the Criminal Code of Canada, 1892, is punishable with death or imprisonment for a period of five years or over and "misdemeanor" any offence for which under the said Code the extreme penalty is imprisonment for a term less than five years and two years or over;

(5) "Income" means the profit or gain, whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business; and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever;

(6) "Business" shall include any trade, profession, calling, occupation or employment;

(7) "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city, in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures, or other things for the purpose of bridges, railways, tramways, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, light, power, transportation, telegraphic, telephonic or other service;

(8) "Judge" means a Judge of any Court of Superior Jurisdiction in the Province of Alberta; and "Court" or "Supreme Court" means the said Court and "Clerk" means the clerk or deputy clerk of any such court;

(9) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same and "Land" also includes:

- (a) Land covered with water;
- (b) Trees and underwood growing upon land;
- (c) Mines, minerals, gas, oil, salt, quarries and fossils in and under land; and
- (d) In case of special franchises:—Machinery, fixtures, buildings, structures, and other thing existing, erected, or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of any railways or street railway;

(10) "Municipality" or "City" means the City of Medicine Hat as herein incorporated;

(11) "Person" includes a corporation or partnership;

(12) "Resident" means a person residing within the limits of the City of Medicine Hat;

(13) "Revised assessment roll" means the assessment roll of the city or any ward thereof as finally adopted by the Council;

(14) "Occupant or occupier" means the person or corporation in actual occupation of any land or premises within the city, either being the owner or tenant thereof, for a year or any longer term. Husband and wife living together shall not be considered separate occupants, but the husband shall be considered the occupant;

"Freeholder" shall, for the purpose of qualification of a burgess, be deemed to include a person who has agreed to purchase land under an agreement, in writing, for sale thereof to him.

(15) "Secretary-Treasurer" means the secretary-treasurer of the City of Medicine Hat.

(16) "Referred By-law" means by-law referred to a vote of the burgesses and assented to by them as provided in this Act;

(17) "Assessor" means the Assessor of the City of Medicine Hat;

(18) "Revised Voters' List" means the voters' list of the City or of any ward thereof as finally revised by the Council.

3. Wherever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only.

4. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next judicial day, but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor or Alderman.

5. Where forms are prescribed, deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice.

6. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others.

7. All Ordinances inconsistent with this Act are hereby repealed in so far as they relate to the City of Medicine Hat, and where any matter or thing is provided for by this Act the provisions of any other Act or Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said City, unless a contrary intention is herein expressed.

8. The Municipal Ordinance of the North-West Territories and any amendments thereto in force on the first day of September, 1905, shall no longer apply to the City of Medicine Hat; and whenever any Ordinance of the North-West Territories is referred to herein, such reference shall be deemed to include any Act of the Province of Alberta amending or superseding such Ordinance.

9. Ordinance No. 42 of 1898 of the North-West Territories being An Ordinance to incorporate the Town of Medicine Hat, together with any amendments made thereto, are hereby repealed, but such repeals shall not be held to take away or affect any rights which any person, firm or corporation other than the town of Medicine Hat may, prior to the ninth day of May, A.D., 1906, have acquired or become entitled to under or by virtue of the provisions of the said Ordinance.

TITLE II.

INCORPORATION. ANNEXATIONS. WARDS.

1. The inhabitants of the locality described as follows, that is to say:

Those portions of section Thirty-one (31) and the west half of section Thirty-two (32) lying to the southward and westward of the right bank of the South Saskatchewan River; the north-west quarter of section Twenty-nine (29); the north-east quarter of section Thirty (30), all in Township Twelve (12) in Range Five (5) west of the Fourth Meridian; that portion of the south-east quarter of section Thirty-six (36) in Township Twelve (12) in Range Six (6) west of the Fourth Meridian lying southward of the right bank of the South Saskatchewan River, the east half of section 32; that part of the north-west quarter of section 32 lying north of the Saskatchewan River; that portion situate west of the Saskatchewan River of the north-west quarter of 33; that portion of the island in the Saskatchewan River known as Strathecona Park which forms part of the south-west quarter of section 33; the south half of section 30 and the north-east quarter of section 29, all in township 12, range 5, west of the fourth meridian; that portion of the north half of section 31, township 12, range 5, lying north of the Saskatchewan River; the north half and the south-west quarter of section 36, township 12, range 6, west of the fourth meridian; sections 35, 26 and 25, the north-east quarter of section 27; that portion of the south-east quarter of section 34 lying south of the Saskatchewan River, all in township 12, range 6, west of the fourth meridian; the north-west quarter of section 18, all of section 19, the north half of section 20, the south half of section 29, the north half of section 21, all of section 28, the east half of section 33, and that part of the west half of section 33 lying east of the Saskatchewan River, all in township 12, range 5, west of the fourth meridian; that part of the south half of section 5 lying to the west of the Saskatchewan River and the south half of section 6 all in township 13, range 5, west of the fourth meridian; the south half of section 1, township 13, range 6, west of the fourth meridian; and that part of the south-west quarter of section 34, lying south of the Saskatchewan River; the south half of section 33; the south half and the north-west quarter of section 27; the north half of section 22; the north half of section 23; the north half and the south-east quarter of section 24, the north-east quarter of section 13 and the north-east quarter of section 34, all in township 12, range 6, west of the fourth meridian, according to the Dominion Lands System of Survey; together with all lands surveyed as Government Road Allowances bounding and abutting any and all of such sections, half sections, or quarter sections as the case may be, and such persons as shall hereafter become inhabitants of such locality are hereby incorporated into a Municipal Corporation under the name of the City of Medicine Hat.

2. The powers of the said corporation shall be exercised by the Council of the City, which shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the Council for the next year, such Council may take up and carry on to completion all proceedings commenced but not completed by the last year's Council.

3. Until a new Council is elected under this Act the Mayor and members of the Council of the existing Town of Medicine Hat shall be deemed and taken for all purposes to be the Mayor and members of the Council of the Corporation hereby created and until altered under the authority of this Act all by-laws, contracts, property, assets, rights and liabilities of the existing Town of Medicine Hat shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the City of Medicine Hat.

4. The Council may by by-law divide the City of Medicine Hat for Municipal election purposes into three or more wards, and may from time to time re-arrange the limits of such wards and add new wards.

5. In case of an addition to the number of wards, each new ward shall be represented by two aldermen to be elected and to hold office as provided in section 2 of Title III of this Act.

6. Whenever one half of the owners of any territory adjacent to the city whose names appear on the last revised school assessment roll, whether public or separate, desire annexation thereto they may present a petition to the Council to that effect and if the Council agrees the said territory may be made part of the city by proclamation of the Lieutenant Governor in Council on such date and on such terms and conditions as the Lieutenant Governor in Council may think fit.

TITLE III.

COUNCIL.

1. The Council of the city shall consist of a Mayor and eight Aldermen, who shall be elected by the electors in the manner hereinafter provided, but the number of aldermen may from time to time be increased in accordance with the provisions of sections four and five of Title II.

2. The Mayor and present Councillors of the Town of Medicine Hat shall continue to hold office as the Mayor and Aldermen of the City of Medicine Hat, and the three Aldermen elected as Councillors whose term of office as Councillors would have expired in December, 1906, shall at the municipal election to be held in such month be replaced by three aldermen, one of whom, if the town shall have previously thereto been divided into wards, shall be elected by the electors of each such wards,

but otherwise by the electors of the Municipality at large, and those whose term of office will expire on the 31st of December, 1907, shall be elected in the same way, and each Alderman elected at such Municipal election hereafter shall continue in office for two years, provided that in the election to be held in December, 1913, for alderman for ward 4 of the City, the candidate at such election receiving the largest number of votes cast shall continue in office for two years and the candidate receiving the next largest number of votes cast shall hold office for one year, and in the event of the vote being a tie the returning officer shall give a casting vote.

In the event of any vacancy occurring in the office of alderman elected by the electors at large his place shall be filled by another alderman elected by the electors at large; but in the case of an alderman elected to represent a ward his place shall be filled by an alderman elected only by the electors of the ward which he formerly represented or appointed as provided in section 2, Title IX.

3. The Mayor shall be elected annually by a general vote of the electors of the City in the manner hereinafter provided.

3a. The Mayor shall be paid such salary and each alderman shall be paid for each regular meeting attended by him such sum as shall be fixed by by-law of the council from time to time, provided that without the assent of a two-thirds majority of the burgesses the salary to be paid to the mayor shall not exceed twenty-five hundred dollars and the total sum paid to any alderman shall not exceed two hundred and fifty dollars per year.

4. No person shall be eligible for election as Mayor or Alderman unless he is a natural born or naturalized subject of His Majesty, is a male of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act, is resident within the city or within two miles of the limits of the city, and is at the time of the election the owner of freehold real estate rated in his own name on the last revised assessment roll of the city to at least the value of \$1,000.00.

5. No Judge of any Court of civil jurisdiction, sheriff, no gaoler or keeper of any house of correction, no constable, assessor, secretary-treasurer, auditor or other paid official of the city, no bailiff, no inspector of licenses, and subject to Title XXXV, section 32, hereof, no person having by himself or his partner an interest in any contract with or on behalf of the City or being indebted to the City, no surety for an officer or an employee of the City, and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for more than five years shall be qualified to be a member of the Council.

6. No person shall be disqualified from being elected a member of the Council by reason of his being a shareholder in any incorporated company having dealings or contracts with the

City or by his having a lease of twenty-one years or upwards of any property from the City; but no such leaseholder shall vote in the Council on any question affecting any lease from the City and no such shareholder on any question affecting the company.

7. The holder of any elective office, whether mayor, alderman or school trustee, may be removed at any time by the electors qualified to vote for a successor of such incumbent, provided that no such incumbent shall be removed or any proceedings taken within three months after the date upon which such incumbent assumed office. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 25 per cent. of the entire vote for all candidates for the office of mayor in the City or ward as the case may be at the last general municipal election at which a vote was taken demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a clear statement of the grounds or reasons for which the removal is sought. There may be one or more copies of the petition and each signer shall add to his signature his place of residence, giving his street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the filing of such petition the city clerk shall examine and from the voters' list ascertain whether or not the said petition is signed by the requisite number of qualified electors, and if necessary the council shall allow him extra help for that purpose; and he shall attach to such petition his certificate showing the result of the said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition, and if a certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient the clerk shall submit the same to the council without delay, with his certificate attached thereto certifying that it is sufficient. If the petition shall be found to be in accordance with the requirements hereof the council shall order and fix a date for holding the said election not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed; provided that no such election shall be held within thirty days from the date of the municipal general elections, but shall be held on the date of such elections if it would otherwise fall within thirty days of such date.

The council shall make or cause to be made publication of notice and all arrangements for holding such election, and the

same shall be conducted, returned, and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed can be a candidate to succeed himself, and unless he requests otherwise in writing the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent received the highest number of votes he shall continue in office.

Before recall proceedings are in any way commenced a notice of intention to institute such proceedings shall be given by the person or persons who intend to institute same to the city clerk, and the petition or petitions shall be filed with the said clerk not later than sixty days from the date of the filing of said notice, and failure to give such notice or to file the petition or petitions within the said time shall render the said proceedings null and void.

TITLE IV.

VOTERS' LIST.

1. The persons qualified to vote at elections shall be all persons both male and female of the full age of twenty-one years, being subjects of His Majesty by birth or naturalization, whose names appear on the last revised voters' list.

Provided that upon being satisfied that the name of any person assessed or registered has been inadvertently omitted from the voters' list the assessor or the clerk, respectively, may grant a certificate to any such person to that effect, and upon surrender of such certificate to the deputy returning officer at the poll at which such person is entitled to vote the said deputy returning officer shall permit such person to vote.

2. The council may by by-law declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to the city, either for the current year, or all arrears of taxes, or both.

3. Where such by-law has been adopted, on or before the day of nomination of candidates the assessor shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such by-law, such list to be called "the defaulters' list."

4. Any person named in such defaulters' list may vote at an election if at the time of tendering his vote he produces and

leaves with the officer presiding at such election a certificate from the city treasurer showing that the taxes in respect of which default has been made have been paid, and such officer shall file such certificate, receive the vote, and note the same on the defaulters' list.

5. The assessor shall on or before the first day of August in each and every year prepare a voters' list in alphabetical form. He shall place thereon—

“(a) The names of all persons, male or female, of the full age of twenty-one years who are British subjects by birth or naturalization and who are assessed in their own right on the last revised assessment roll for real property; and

“(2) The names of all such persons whose names appear on the business or householders' tax rolls for the current year who are British subjects by birth or naturalization and who have resided in the city for a period of not less than six months immediately prior to the compilation of the said list; and

“(3) The names of all such persons who have paid their poll tax for the current year who are British subjects by birth or naturalization and who have resided in the city for the said period of not less than six months immediately prior to the compilation of the said list.” (1920, Cap. 44).

been a resident of the city and a tenant of real property of the assessed value of at least \$200, and when more tenants than one occupy separate portions of the same building or of different buildings on the same property, each shall be entitled to vote if the total assessed value of the property so occupied is sufficient when divided to give each occupant a rating of \$200, if otherwise, none of such occupants shall be entitled to vote;

And the assessor shall distinguish on the said list the names of all burgesses and shall cause such voters' list to be printed. The list shall contain opposite the name of each elector a short description of the property in respect of which he is entitled to vote. A copy thereof shall be posted up in the office of the assessor on or before the first day of August and notice of such posting shall be published once in each week for two successive weeks in a newspaper published in the city.

6. Any tenant who has been a resident in the city one month prior to the first day of December in the previous year and any other person who has been resident in the city in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified, but whose name does not appear on the voters' list, or whose name has by reason of any error,

leaves with the officer presiding at such election a certificate from the city treasurer showing that the taxes in respect of which default has been made have been paid, and such officer shall file such certificate, receive the vote, and note the same on the defaulters' list.

5. The assessor shall on or before the first day of August in each and every year prepare a voters' list in alphabetical form. He shall place thereon—

- (a) The names of all persons, both male and female, of the full age of twenty-one years who are assessed in their own right on the last revised assessment roll for real property. Where the real property is owned by two or more persons and is assessed in their names, each shall be entitled to a vote if the total assessed value of the property is sufficient when divided to give each person a rating of \$200 or upwards; if otherwise none of such persons shall be entitled to vote.
- (b) The names of all banks, incorporated companies and corporations assessed on the last revised assessment roll, and the vote of such bank, company or corporation may be given by the chief officer thereof present in the city at the time of voting. And whenever it is necessary to administer to such officer any oath under the provisions of this part of this Act, the form set out in section 20 of title XXIII hereof, (substituting throughout the words "at this election" instead of "on the by-law") shall be used.
- (c) The name of each person who for and during one month prior to the first day of December in the previous year has been a resident of the city and a tenant of real property of the assessed value of at least \$200, and when more tenants than one occupy separate portions of the same building or of different buildings on the same property, each shall be entitled to vote if the total assessed value of the property so occupied is sufficient when divided to give each occupant a rating of \$200, if otherwise, none of such occupants shall be entitled to vote;

And the assessor shall distinguish on the said list the names of all burgesses and shall cause such voters' list to be printed. The list shall contain opposite the name of each elector a short description of the property in respect of which he is entitled to vote. A copy thereof shall be posted up in the office of the assessor on or before the first day of August and notice of such posting shall be published once in each week for two successive weeks in a newspaper published in the city.

6. Any tenant who has been a resident in the city one month prior to the first day of December in the previous year and any other person who has been resident in the city in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified, but whose name does not appear on the voters' list, or whose name has by reason of any error,

omission or inadvertence been omitted from the assessment roll, may either by himself or his agent apply to have the voters' list amended by giving to the assessor a notice that he intends to apply to the council to have his name added to the voters' list and stating his qualifications; and any person whose name appears on the voters' list as prepared by the assessor, and who challenges or takes objection to the name of any other person appearing on such list on the ground that such other person has disposed of the property for which he was qualified as a voter, or is not duly qualified to be a voter in terms of this Act, may apply by similar notice to the assessor to have the voters' list amended by striking out the name of such other person, stating in such notice the grounds of his challenge or objection to the qualifications of such other person. Such notice may be in the following form or to the like effect:

"To the Assessor of the City of Medicine Hat:

"Take notice that I intend to apply to the council to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

"-----
(*Signature of Applicant*)
Applicant.

"or -----
(*Name of Applicant*)
Applicant by his Agent.

"or -----
(*Signature of Agent*)."

7. Notices may be given to the assessor under the preceding section by sending the same to him by registered post, or serving the same upon him in the way service is usually effected and such notices may be so given on or before the first day of October in any year.

8. On or before the fifth day of October in each and every year the assessor shall make a list of all applicants for amendments of or to the voters' list, stating the names and grounds of each of such applications; and shall post the same in a conspicuous place in his office and he shall immediately thereafter by advertisement in one or more newspapers published in the city, give public notice of the time and place fixed by the council for hearing such applications.

9. On or before the fifteenth day of October in each and every year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon revise and correct the voters' list in accordance with the decisions of the council and the list when so revised and corrected shall be the voters' list of the city and shall remain in force until a new

voters' list has been finally revised; and forthwith thereafter the assessor shall in case the city is divided into wards, prepare a list of the electors entitled to vote in each ward designating thereon those not entitled to vote for mayor in each ward.

10. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting as a final court of revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Act upon the council in relation to the assessment roll.

TITLE V.

ELECTIONS. GENERAL PROVISIONS.

1. The Council shall at least one week prior to the last Monday in November in each and every year by by-law appoint a returning officer for the next municipal elections and also a deputy returning officer for each polling subdivision or ward; and shall if deemed expedient divide the city or any ward or wards into polling subdivisions, in which case the Council shall appoint an assistant deputy returning officer for each polling subdivision and name the place or places therein where the votes are to be polled.

1a. The Mayor shall convene a general meeting of the electors of the city to be held during the week preceding the nomination meeting, and at such meeting the mayor and aldermen shall present statements of the work done by the various committees during their term of office and of the general financial standing of the city.

2. The returning officer shall at least six days previous to the first Monday in December which shall be the day to be named in the notice for nominations post up in ten conspicuous places in the city a notice in the following form, or one corresponding as closely thereto as the circumstances of the case will admit of:

NOTICE.

City of Medicine Hat. Municipal Elections 19

Public notice is hereby given that a meeting of the electors of the City of Medicine Hat will be held in (*description of place*) on Monday the day of December 19 , from 11 a. m. until noon, for the purpose of nominating candidates for the offices of Mayor and aldermen of the city (or an alderman or aldermen) for each ward (as the case may be).

Given under my hand at Medicine Hat this
day of A.D., 19

Returning Officer.

3. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nomina-

tion of any person shown on the assessment roll as qualified and who has paid his taxes on the land in respect of which he qualifies to serve as Mayor or alderman of the city; and the meeting shall remain open until noon when, if the number of persons nominated to serve as Mayor and aldermen does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected.

4. Every nomination for mayor or alderman shall be accompanied by a written consent from the person named in each nomination to accept the office if elected.

5. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time, which shall be on the same day of the week as the nomination but in the next following week, the place or places where the votes are to be polled and the deputy returning officer and assistant deputy returning officers, if any, appointed to receive the same; and also the time and place at which the result of the polling will be declared.

6. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least ten conspicuous places within the city a notice in the following form:

NOTICE.

City of Medicine Hat. Municipal Elections 19

Public notice is hereby given that a poll has been granted for the election of Mayor of the City of Medicine Hat and of alderman for Ward 3 (or as the case may be) for the year 19 and that the polling will take place on (*here insert date of polling*) the day of , 19 , from nine a.m. till eight p.m. at the following places (*here insert or specify polling places.*)

And that I will at (*describe the place*) on (*day of the week*) the day of 19 , at o'clock sum up the votes and declare the result of the election.

Given under my hand at Medicine Hat this
day of 19 .

Returning Officer.

7. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer or deputy returning officer, as the case may be, a declaration in writing to that effect signed by himself in the presence of the returning officer, a justice of the peace or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

8. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected

for such office the polling for such office shall not take place; and the returning officer shall forthwith post up in ten conspicuous places in the city a notice to the following effect:

NOTICE.

City of Medicine Hat. Municipal Elections 19

Whereas Mr. _____ nominated for the office of _____
has withdrawn his candidature
for the said office, leaving Mr. _____ the only can-
didate therefor, I hereby give notice that no voting for the
said office will take place on the _____ day of (*date of*
polling.)

Dated under my hand at Medicine Hat this
day of _____ 19 .

Returning Officer.

9. In case of a poll at a municipal election the votes shall be given by ballot.

10. When a poll is required the secretary-treasurer shall procure as many ballot boxes as there are polling subdivisions.

11. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box is unlocked.

12. When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the secretary-treasurer to deliver the same to the returning officer who shall at least two days before the polling day deliver one of the ballot boxes to every deputy returning officer, or assistant deputy returning officer, appointed for the purpose of the election.

13. When a poll is required the returning officer shall forthwith cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purpose of the election.

(2) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; if there are two or more candidates with the same surname, in the order of their names.

14. The names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen; but one kind or set of ballot papers shall be prepared for all the wards containing the names of the candidates for mayor; and another kind or set shall be prepared for each ward containing the names of candidates for aldermen in the ward:

Provided that until a ward system is established the names of the mayor and aldermen may be included in the same ballot.

15. The ballot papers shall be in the following forms:

FORM FOR MAYOR.

City of Medicine Hat.	FOR MAYOR.	ALLAN. ALLAN CHARLES, of the City of Medicine Hat, Lumber Merchant.
		BURGESS. BURGESS EDWARD, of the City of Medicine Hat, Banker.

FORM FOR ALDERMAN

Election for the Members of the Council of the City of Medicine Hat.	FOR ALDERMAN.	ADAM. ADAM JAMES, of the City of Medicine Hat, Gentleman.
		CAMPBELL. CAMPBELL ROBERT, of the City of Medicine Hat, Banker.
		DAVIS. DAVIS ALEXANDER, of the City of Medicine Hat, Printer.

16. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward for which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballot papers; and such ballot papers and other materials shall be delivered by the deputy returning officer of the ward to his assistant deputy returning officers, if any have been appointed.

17. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting as he may deem sufficient.

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS.

For the Guidance of Voters in Voting.

The voter will go into one of the compartments and with the pencil provided in the compartment place a cross thus "X" on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot papers so as to show the name or initial of the deputy returning officer, or assistant deputy returning officer, as the case may be, signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer, or assistant deputy returning officer, as the case may be, and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer (or assistant deputy returning officer, as the case may be) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

18. Every deputy returning officer, or assistant deputy returning officer, shall before the opening of the poll or immediately after he has received the printed directions from the returning officer, if he did not receive the same before the opening of the poll, cause the said printed directions to be placarded outside the polling place for which he is appointed to act and also in every voting compartment of the polling place and shall see that they remain so placarded until the closing of the poll.

19. Every polling place shall be furnished with a compartment or compartments in which the voters can mark their votes screened from observation and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is provided at each polling place.

20. The returning officer shall before the poll is opened deliver to every deputy returning officer and assistant deputy returning officer a copy certified by the secretary-treasurer to be a correct copy of the voters' list for the ward or polling subdivision for which such deputy returning officer or assistant deputy returning officer is to act together with a copy, certified by the treasurer of the defaulters' list for the ward or polling subdivision and a blank poll book in which to record the names and qualifications of the electors who vote.

21. The poll book shall be in the following form:

NAME	
Qualification	
Residence	
Legal Addition	
Mayor	
Alderman	
School trustee	
Objected to	
Sworn	
Refused to swear	
REMARKS	

22. The secretary-treasurer on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend at any polling place other than the one where day of-----, and unless I am allowed to cast my vote before the said date I will be unable to exercise my privilege as such elector or burgess. And I make this solemn declaration conscientiously believing it to be true and knowing it to be of the same force and effect as if made under oath by virtue of *The Canada Evidence Act*.

“Declared before me at Medicine Hat, Alberta, this -----day of-----, 19----

Returning Officer (or Deputy Returning Officer).

“(5) Any person signing such declaration knowing that any statement contained therein is false shall be liable on summary conviction to a penalty of not less than \$25.00 and not more than \$100.00.

“(6) The returning officer shall supply the deputy returning officer at such special booth with two copies of the voters' list. The deputy returning officer shall insert on each of such lists opposite the name of each person who has voted at such special polling booth the words 'Voted at special booth' and one of such lists shall be returned to the returning officer who shall cause such words to be inserted in their respective places on all the other voters' lists before their delivery to the deputy returning officers for use at all other booths of the city in the said election or voting.” (1920, Cap. 44).

“25. For the purpose of enabling every railway employee, commercial traveller, or other person (who is a qualified elector or burgess of the city, whose employment or calling is such as to necessitate his absence from time to time from his place of residence on the day fixed for election or for the voting upon any by-law or other question affecting such elector or burgess) to exercise his vote at any election or voting, the returning officer shall establish a special polling booth which shall be centrally located so as to suit the convenience of such persons.

“(2) Except as herein provided the poll so held shall be conducted in the same manner as provided for the conduct of other polls at such election or voting.

“(3) The poll at such polling booth shall be open between the hours of 2 and 8 in the afternoon on the three days exclusive of Sunday, immediately preceding the day fixed for election or voting.

“(4) Every person applying to vote at such polling booth before being permitted to vote shall be required by the deputy returning officer in charge of the poll to make and subscribe before him the following declaration, which shall be kept by the said deputy returning officer with the other records of the poll:

“‘I, A.B., of the City of Medicine Hat, Alberta, do solemnly and sincerely declare that I am a British subject by birth or naturalization and I am the person whose name appears on the voters' list now shown to me; that I am at present employed as (*nature of employment*), and I believe I will in the course of my said employment be absent from the City of Medicine Hat dur-

22. The secretary-treasurer on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend at any polling place other than the one where he is entitled to vote shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

23. On the production of the certificate the deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote and the deputy returning officer, or assistant deputy returning officer shall attach the certificate to the voters' list; but no certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling; nor to vote for alderman or aldermen except in the ward where he would otherwise be entitled to vote.

24. In case a deputy returning officer (or assistant deputy returning officer) votes at the polling place to which he has been appointed as such the poll clerk appointed to act at the polling place or (in the absence of the poll clerk) any elector authorized to be present may administer to the deputy returning officer (or assistant deputy returning officer) any of the oaths required by law to be taken by voters.

TITLE VI.

ELECTIONS. PROCEDURE.

1. In this Title the deputy returning officer (or assistant deputy returning officer) acting as such at any polling place at a municipal election is referred to as "the officer presiding at the poll."

2. The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint a poll clerk who, in the absence of the deputy returning officer (or assistant deputy returning officer) or in the case of his illness or inability to fulfill the duties required of him by this Act shall have the powers of the officer by whom he was appointed.

3. The deputy returning officer (or assistant deputy returning officer) may also appoint a constable to maintain order at the polling place or he may summon to his assistance for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

4. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the secretary-treasurer or (in the case of a poll clerk or constable or agent) before the deputy returning officer or assistant deputy returning officer at whose polling place he is appointed to act, an oath in the form following:

"I, A.B., do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the City of Medicine Hat on the
day of A.D., . And that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God."

(2) The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the evening of the same day.

5. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer.

6. Every elector may vote once only for mayor, and if entitled to vote in more than one ward his vote shall be cast in the ward in which he actually resides, or in the case of a non-resident in such wards as the secretary-treasurer shall determine.

7. Every elector shall vote once for such number of aldermen as are to be elected, or if the town shall have been divided into wards, once in each ward for such number of aldermen as are to be elected therefor, if his name appears on the voters' list in the ward but not otherwise.

8. Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

9. The receipt by any voter of a ballot paper within the polling booth shall be prima facie evidence that he has there and then voted.

10. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

11. When a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows :

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the voters' list for the ward or polling subdivision for which the said officer is appointed to act.

(2) He shall record (or cause to be recorded by the poll clerk) in the proper columns of the poll book, the name, qualifications, residence, and legal addition of such person.

(3) Where the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "Objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.

(4) If the voter asks to be sworn or is required by any candidate or by the agent of any candidate to be sworn, the returning officer shall administer to him the following oath :

You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of) in the voters' list now shown to you (*showing the list to the voter*).

That you have not voted before at this election, either at this or any other polling place in this ward (*and if the elector is tendering his vote for Mayor*) that you have not voted before or elsewhere for Mayor at this election :

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender at this election ;

That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other services connected with this election.

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

So help you God.

(5) If the voter takes any one of the said oaths the officer presiding at the poll shall receive the vote and shall enter (or cause to be entered) opposite such person's name in the proper column of the poll book the word "Sworn" or "Affirmed" according to the facts.

(6) Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (or cause to be entered) opposite the name of such voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm," according to the fact, and the vote of such person shall not be taken or received ;

and if the deputy returning officer or assistant deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100.

(7) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.

(8) Except in the case mentioned in subsection 6, the ballot paper shall then be delivered to the voter.

12. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

13. Every deputy returning officer (or assistant deputy returning officer) who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by subsection 7 of section 11 of this Title, shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said deputy returning officer (or assistant deputy returning officer) has not signed his initials as aforesaid.

14. The officer presiding at the poll shall place in the columns of the poll book headed "Mayor," "Alderman," and "School Trustee" (as the case may be) his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for Mayor, Alderman or School Trustee as the case may be.

15. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 17 of Title V of this Act by placing a cross—thus X—on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate. He shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without delay and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper folded so, to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be pre-

sent and then being present in the polling place; and the voter shall forthwith leave the polling place.

16. While a voter is in a compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

17. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote, and the said officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

18. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read or (where the voting is on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 15 of this Title the proceedings shall be as follows:

(1) The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box.

(2) The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper columns of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

(3) The declaration aforesaid may be in the following form:

I, A. B., of _____ being numbered on the voters' list for polling subdivision No. _____ in Ward No. _____ of the City of Medicine Hat, _____ being a _____ duly qualified elector of the said City of Medicine Hat do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a voting paper, or, that I object on religious grounds to mark a ballot paper, as the case may be).

A. B. his (X) mark.

Dated this _____ day of _____ A.D., 19 ____.

(4) In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling

be made by a person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form:

I, *C. D.*, the undersigned, being the deputy returning officer (or assistant deputy returning officer) for Ward No. (or polling subdivision No. in Ward No.) of the City of Medicine Hat do hereby certify that the above (or as the case may be) declaration, having been first read to the above named *A. B.*, was signed by him in my presence with his mark (or in case of one who objects on religious grounds to mark a ballot paper) was orally made before me.

(Signed) *C. D.*,

Deputy Returning Officer
(or Assistant Deputy Returning Officer)

Dated this day of A.D., 19 .

19. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up and the said officer shall immediately write the word "Cancelled" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 31 of this Title.

20. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constable or agents authorized to attend at the polling place, and the voter who is for the time being actually engaged in voting.

21. In every polling place the officer presiding at the poll shall immediately after the closing of the poll in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present open the ballot box and proceed to count the votes as follows:

He shall examine the ballot papers and any ballot paper which has not on its back his initials or on which more votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for that office but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

22. The officer presiding at the poll shall take a note of any objection made by a candidate or his agent or any elector au-

thorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

23. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll.

24. The officer presiding at the poll shall indorse "rejected" on any ballot paper which he rejects as invalid and shall indorse "rejection objected to" if any objection is made to his decision.

25. The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be made under the following heads:

- (a) Name or number of ward or polling subdivision and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

26. Upon the completion of the written statement it shall be signed by the officer presiding at the poll, the poll clerk (if any) and such of the candidates or their agents as are present and desire to sign such statement.

27. Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

28. Every officer presiding at a poll upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

29. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside; and shall, at the completion of the counting of votes in the presence of the candidates (or agents of the candidates) make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll of the ward or polling subdivision:

- (a) The statements of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;

- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 18 of this Title with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box.

30. Before returning the voters' list and poll book to the returning officer, the officer presiding at the poll shall make and subscribe before a justice of the peace or before the poll clerk, his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

I, *C. D.*, the undersigned deputy returning officer (or assistant deputy returning officer) for polling division No. _____ (or Ward No. _____ or Subdivision No. _____ of Ward No. _____) of the City of Medicine Hat, do solemnly swear (*or if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the annexed voters' list and poll book used in and for the said ward (or polling division) at the election held on the _____ day of _____ 19____, were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(Signed) *C. D.*,

Deputy Returning Officer

(or Assistant Deputy Returning Officer)

Sworn (or affirmed) before me
at _____ this _____ day of _____ A.D., 19____.

(Signed) *K. Y.*,

Justice of the Peace (or as the case may be)
and shall thereafter be annexed to the voters' list and such voters' list, poll book and declaration may be inspected at any time in the presence of the secretary-treasurer by any elector.

31. The deputy returning officer (or assistant deputy returning officer) shall forthwith deliver such packets personally to the returning officer; and if owing to illness or other cause he is unable to do so he shall deliver such packets to a person chosen by him for that purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered and shall take a proper receipt therefor. He shall also forthwith return the ballot box to the returning officer.

32. The packets shall be accompanied by a statement made by the deputy returning officer (or assistant deputy returning of-

ficer) showing the number of ballot papers entrusted to him and accounting for them under the heads of

- (1) Counted;
- (2) Rejected;
- (3) Unused;
- (4) Spoiled;
- (5) Ballot papers given to voters who afterwards returned the same declining to vote; and
- (6) Ballot papers taken from the polling place.

which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account."

33. The returning officer after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place shall without opening any of the sealed packets or ballot papers cast up from the statements the number of votes for each candidate, and shall at the city hall or at some other public place at noon on the day following the return of such ballot papers and statements publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

34. In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer whether otherwise qualified or not shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

35. Except in such case no returning officer shall vote at any election.

36. All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall if otherwise qualified be entitled to vote.

37. The person or persons elected as aforesaid shall make the necessary declaration of office and qualifications and shall assume office accordingly.

38. Forthwith after the election the returning officer shall deliver to the secretary-treasurer the ballot boxes, packets and returns aforesaid and the secretary-treasurer shall thereafter be responsible for their safe-keeping and for their delivery when required.

39. The secretary-treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary-treasurer among the records of the city.

40. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer except under order of a judge to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer.

41. The order shall state the time and place for inspection of such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient.

42. In case at any time within fourteen days from the time when the ballot papers used at an election have been received by the secretary-treasurer it is on the affidavit of a credible person made to appear to a judge that a deputy returning officer (or assistant deputy returning officer) in counting the votes given at any election has improperly counted or rejected any ballot papers the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same.

43. At the time of the application for a recount the applicant shall deposit with the clerk or deputy clerk of the court the sum of \$25 security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge.

44. The judge, secretary-treasurer with the ballot boxes and each candidate and his agent notified to attend the recount of votes and representatives of the press and no other person (except with the sanction of the judge) shall be entitled to be present at the recount of the votes.

45. At the time and place appointed the judge shall proceed to recount all the ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing (a) the used ballot papers which have not been objected to but which have been counted, (b) the ballot papers which have been objected to but which have been counted by the deputy returning officer (or assistant deputy returning officer), (c) the rejected ballot papers, (d) the spoiled ballot papers, (e) the unused ballot papers. In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

46. The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshments, excluding only Sundays and no other days (except

as far as he and the said parties agree) the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the Judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

47. The Judge shall proceed to recount the votes as follows:

Firstly:—He shall examine the ballot papers.

Any ballot paper on which votes are given for more candidates than are to be elected for the office in question or on which anything except the initials of the deputy returning officer (or assistant deputy returning officer) on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for that office, but shall be good as regards the votes for any other office in respect to which the voter has not voted for more candidates than he is entitled to vote for; but no word or mark written or made or omitted to be written or made by the deputy returning officer (or assistant deputy returning officer) on a ballot paper shall affect the vote.

Secondly:—He shall take a note of any objection made by a candidate or by his agent to any ballot paper and shall decide any question arising out of the objection; and the decision of the Judge shall be final.

Thirdly:—He shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following—

- (a) Names of candidates;
- (b) Number of votes for each candidate;
- (c) Ballot papers wanting initials of deputy returning officer (or assistant deputy returning officer);
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty.

(2) Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the Judge shall seal up all the ballot papers in separate packets and shall forthwith

certify the result to the secretary-treasurer who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the secretary-treasurer shall have the casting vote.

(3) Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions herein contained by proceedings in the nature of *quo warranto* or otherwise.

48. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereto shall be defrayed by the parties to the application in such manner and in such proportions as the Judge may determine, regard being had to any costs, charges or expenses which in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of either the applicant or the respondent.

(2) The costs shall be on the supreme court scale and may (if the Judge so orders) be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the Judge to be paid may be enforced by execution to be issued upon filing the order of the Judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

49. No person shall--

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
- (e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; (but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies); or
- (f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet or counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) Any person guilty of any violation of this section shall be liable if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months with or without hard labour.

50. Every returning officer, deputy returning officer, assistant deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 2 to 49 inclusive of this Title shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$200.

51. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate nor attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of a candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

52. No person who has voted at an election shall in any legal proceeding to question the election or return or otherwise relating thereto be required to state for whom he has voted.

53. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend, but no candidate shall be present at the marking of a ballot for a voter under section 18 of this Title.

54. When in this Title expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the non-attendance of any agent at such time and place shall not invalidate it.

55. No election shall be declared invalid by reason of a non-compliance with the provisions of this Act as to the holding of the poll or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance, mistake, or irregularity did not affect the result of the election.

56. All reasonable expenses incurred at any election under this Act shall be paid by the secretary-treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the Council may direct.

TITLE VII.

SCHOOLS AND SCHOOL TRUSTEES.

1. The boards of public and separate school trustees of any district of which the City forms part shall give notice to the secretary-treasurer before the 15th day of November in each year of the number of vacancies required to be filled to make the school board complete.

2. When notice has been given to the secretary-treasurer provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

3. All the provisions in this Act contained respecting election and qualification of aldermen and the qualification of electors shall *mutatis mutandis* apply to the election of school trustees except that women with proper property qualification shall be eligible as school trustees.

4. In the lists of qualified voters to be delivered to the returning officer by the secretary-treasurer before the opening of the polls the secretary-treasurer shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "S S S" and no deputy returning officer (or assistant deputy returning officer) shall deliver to any such person a ballot paper for the public school trustees.

5. In case any objection is made to the right of any person to vote at an election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to, to take the oaths required by section 11 of Title VI.

6. A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of aldermen except that the words "public school trustee" or "separate school trustee" shall be substituted for the word "alderman" thereon.

7. The Boards of School Trustees of all school districts of which the city forms part, shall give notice to the secretary-treasurer, on or before the 30th day of June, in each year, of the amount required by them for the purposes of their schools during the current year, but such sums shall not exceed an amount equal to fifteen mills on the dollar, according to the last revised assessment roll of the city on the property liable to assessment for ordinary school purposes with such additional amount as may be necessary to meet any debenture debt that may have been incurred and may be coming due and for the purposes of this section all land in any portion of any such district not within the limits of the city shall be deemed to be within the limits thereof, and be assessed and taxes collected thereon as if the same were in such limits.

TITLE VIII.

CORRUPT PRACTICES.

1. The following persons shall be deemed guilty of bribery and shall be punished accordingly:

(1) Every person who directly or indirectly by himself or by any other person on his behalf gives, lends or agrees to give or lend or offers or promises money or valuable considerations or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any elector or to or for any person in order to induce any elector to vote or to refrain from voting at an election or in order to induce any burgess to vote or refrain from voting upon a by-law for raising money or creating a debt or who corruptly does any such act as aforesaid on account of such elector or burgess having voted or having refrained from voting at such election or upon such by-law.

(2) Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise, or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the Council or to procure or defeat the passing of any by-law as aforesaid or the vote of any elector at an election or of any burgess at the voting upon any by-law.

(3) Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election or to procure or defeat the passing of any by-law as aforesaid or the vote of any elector at an election or the vote of any burgess at the voting upon a by-law.

(4) Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon any such by-law as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such by-law.

(5) Every elector or burgess who before or during an election or before or during the voting on any such by-law directly or indirectly by himself or any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such by-law.

(6) Every person who after any such election or the voting upon any such by-law directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such by-law.

(7) Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors or burgesses to or from the polls and every person who receives pay for the use of any horse, team, carriage, or other vehicle for the purpose of conveying electors or burgesses to or from any polls as aforesaid.

2. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss, or in any manner practise intimidation, upon or against any person in order to induce or compel any such person to vote or to refrain from voting at any election or at the voting upon any such by-law or on account of any such person having voted or refrained from voting thereat or who by abduction, duress or any fraudulent device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the franchise of an elector or burgess or thereby compels, induces, or prevails upon an elector or burgess to give or refrain from giving his vote at an election or at the vote upon any by-law shall be deemed to have committed the offence of undue influence and shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any by-law for the next succeeding two years.

3. The actual personal expenses of a candidate, his expenses for actual professional services performed and all *bona fide* payments for the fair costs of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act.

4. When, on a motion in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 1 or section 2 of this Title, affidavit evidence shall not be used to prove the offence but it shall be proved by *vica voce* evidence.

5. Any candidate elected at an election who is found guilty by a judge upon the hearing of a motion in the nature of a *quo warranto* of any act of bribery or of using undue influence as aforesaid shall forfeit his seat and shall be ineligible as a candidate at any election for four years thereafter.

6. Any person who is adjudged guilty of any offence within the meaning of sections 1 or 2 of this Title shall incur a penalty of \$100, and shall be disqualified from voting at any election or upon any by-law for the next succeeding two years.

7. The money penalty imposed by the preceding section shall be recoverable with full costs of suit (Class A) by any person who sues for the same in the Supreme Court and any person against whom judgment is rendered shall be ineligible either as a candidate or an elector until the amount so recovered against him has been fully paid and satisfied.

8. The judge may direct that in default of payment of the said penalty and costs within the time fixed by the judge the offender shall be imprisoned for such period not exceeding thirty days as is directed by the said judgment and in case of such default of payment the judge may issue a warrant for the arrest and imprisonment of the offender in accordance with the said judgment until the penalty and costs are fully paid or for such other period as the order may direct.

9. The judge who finds any candidate guilty of a contravention of section 1 or section 2 of this Title or who condemns any person to pay any penalty imposed under section 6 or section 7 of this Title shall report the same forthwith to the secretary-treasurer.

10. The secretary-treasurer shall enter in a book to be kept for that purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 1 or section 2 of this Title and whose names have been reported to him by the judge aforesaid.

11. Every witness shall be bound to attend before the judge upon being served with the order of the judge directing his attendance and upon payment of the necessary witness fees and conduct money as if he has been directed by a subpoena to at-

tend and in default thereof he may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena.

12. No person shall be excused from answering any question put to him upon the hearing of any motion in the nature of a *quo warranto* or in any proceeding touching or concerning any election or the voting upon any by-law or the conduct of any person in relation thereto on the ground of any privilege or on the ground that the answer to the question will incriminate him or will tend to incriminate him; but no answer to any such question shall be used in any proceeding under this Act against such person if the judge gives to him a certificate that he made full and true answers to the satisfaction of the judge.

13. All proceedings under this Title other than an application in the nature of a *quo warranto* against any person for any violation of section 1 or section 2 of this Title shall be commenced within four weeks after the election at which the offence is alleged to have been committed or within four weeks after the day of the voting upon a by-law as aforesaid.

14. No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a by-law in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principal offender.

15. The secretary-treasurer shall prior to every election or the voting upon any by-law furnish every deputy returning officer and assistant deputy returning officer with at least two copies of the sections of this Title numbered from 1 to 14, inclusive, and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

TITLE IX.

VACANCIES.

1. The Mayor or any Alderman may resign his seat in the Council at any meeting of the Council with the consent of the majority of the members present, or may resign such seat at any time upon written notice thereof delivered to the secretary-treasurer, who shall bring the same to the notice of the Council at its next meeting, and such resignation shall be deemed to take effect upon the same being so brought to the notice of the Council.

2. In case of the resignation, death or removal of any member of the Council or in the event of a vacancy occurring in the Council from any cause whatsoever the Council at its next meeting shall order an election and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill:

Provided always that if such unexpired period shall be less than four months the Council may instead of ordering an election by a three-fourths vote of the whole Council appoint some person to complete such term.

3. If after the election of any person as a member of the Council he is convicted of felony or infamous crime or becomes insolvent within the meaning of any insolvent Act in force in the Province of Alberta or applies for relief as an indigent debtor or remains in close custody or assigns his property for the benefit of his creditors or absents himself from the meetings of the Council for three months without being authorized so to do by a resolution of the Council entered upon its minutes, his seat in the Council shall *ipso facto* become vacant and the Council shall forthwith declare the seat vacant.

4. In the event of a member of the Council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualifications or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as hereinafter provided.

5. In case the validity of the election of the Mayor or an Alderman or his right to hold the seat is contested the same may be tried by a judge. Any candidate at the election or any elector who gave or entered his vote thereat or in case of an election by acclamation or in case the right to sit is contested on the ground that a member of the Council has become disqualified or has forfeited his seat since his election, any elector may be the relator for the purpose.

6. If within six weeks after the election a relator shows by affidavit to a judge reasonable ground for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of the Mayor or of any Alderman or in case at any time a relator shows by affidavit to a judge reasonable ground for supposing that a member of the Council has forfeited his seat or has become disqualified since his election and has not resigned his seat; the judge may grant his *fiat* authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(2) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient

by the judge upon affidavits of justification, each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made, who is herein called "the respondent," any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the judge he shall note or indorse thereon and upon the *fiat* allowing service of the notice of motion the words "recognizance allowed" and shall initial the same.

7. The notice of motion shall be at least a seven clear days' notice and it may either state the return day of the motion or may state that the motion will be made on the eighth day after the day of service of the notice excluding the day of service.

(2) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or an elector and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favour of the validity of the election of the relator or of any other person or persons where the relator claims that he or they or any of them have been duly elected or on the grounds of forfeiture or disqualification of the respondent or as the case may be.

8. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where *viva voce* evidence is to be taken. In that case he shall name in his notice the witnesses whom he proposes to examine.

9. The notice shall be served in such manner as the judge may direct.

10. Service of the notice of motion shall be made within two weeks from the date of the *fiat* so granted by the judge unless otherwise ordered by the judge.

11. In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

12. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against such persons.

13. Upon hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

14. The judge may require the secretary-treasurer to produce before him such ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit.

15. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto.

16. The judge may allow any person entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for that purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

17. The judge shall in a summary manner without formal pleadings hear and determine the validity of the election or the right of the respondent to sit, and may enquire into the facts on affidavit or affirmation or by oral testimony.

18. In case the election complained of is adjudged invalid the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected, the judge shall forthwith order such other person to be admitted to the office.

19. Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified electors or to give ballot papers to duly qualified electors the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer or deputy returning officer or assistant deputy returning officer.

(2) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer, or assistant deputy returning officer, or shall be deemed to relieve such returning officer, deputy returning officer, or assistant deputy returning officer from any other penalty or punishment to which he may be liable under the provisions of this Act.

20. After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of mandamus formerly had in the like case.

21. The judge shall immediately after his decision return his order with all things had before him touching the same to the proper office of the court in which the proceedings are intituled

there to remain on record as a judgment of the court; and as occasion requires the judgment may be enforced in the same manner as an ordinary order of mandamus and for the costs awarded by writs of execution.

22. Any person whose election is complained of, unless such election is complained of on the ground of corrupt practices on the part of such person, or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit postpaid through the post office directed to the "Clerk of the Supreme Court, Medicine Hat," and also to the relator or his advocate or he may cause to be delivered to the said Clerk or Deputy Clerk and to the relator or his advocate a disclaimer signed by him in the form or to the effect following:

"I, A. B., upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or alderman) of the City of Medicine Hat, do hereby disclaim the said office and all defence to any right I may have to same.

"Dated this

day of

"(Signed.) A. B."

23. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "disclaimer" and shall be registered at the post office where it is mailed.

24. Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the secretary-treasurer a disclaimer signed by him as follows:

"I, A. B., do hereby disclaim all right to the office of mayor (or alderman) for the City of Medicine Hat and all defence of any right I may have to the same.

"Dated this

day of

"(Signed.) A.B."

25. A disclaimer filed under section 24 of this Title shall relieve the person making it from all liability to costs and where a disclaimer has been made in accordance with section 22 or 24 of this Title it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by Section 2 of this Title.

26. Every person disclaiming under section 22 of this Title shall deliver a duplicate of his disclaimer to the secretary-treasurer and the secretary-treasurer shall forthwith communicate the same to the Council.

27. The procedure in any proceeding under this Act shall be that of the Supreme Court in like cases as far as the same is applicable.

TITLE X.

MEETINGS OF COUNCIL.

1. The first meeting of the Council in each year shall be held on the first Monday in January, except when that Monday is a public holiday, in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the Council of the previous year shall hold office until the new Council meets.

2. A majority of the whole Council shall be necessary to form a quorum.

3. The Council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct, but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

TITLE XI.

MAYOR.

1. The Mayor shall be the chief executive officer of the city and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers and so far as is in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the Council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city.

(2) The Mayor may at any time, and from time to time, appoint and engage one or more special constables within the city for such time not exceeding fifteen days as shall be stated in the appointment, but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the Council and such constable shall for the time being form a part of the police force of that city.

2. The Mayor may suspend any municipal officer and he shall thereupon report such suspension and the reason therefor to the Council who may either dismiss or re-instate the suspended officer and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the Council by a resolution to be passed by a three-fourths vote otherwise determine.

3. The Mayor shall preside at all meetings of the Council. He shall preserve order and enforce the rules of the Council and he shall sign, jointly with the secretary-treasurer, all the cheques issued by the city.

4. The Council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed, and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office, or in case his office is vacant, shall have all the powers of the mayor during such inability or vacancy; and in the event of the mayor or deputy mayor through any of the causes aforementioned being unable to perform the duties of his office or in case the offices aforesaid become vacant the council may from among its members appoint a presiding officer who during such inability or vacancy shall have all the powers of the mayor.

5. If the person who ought to preside at any meetings of the Council does not attend within fifteen minutes after the hour appointed for the meeting the members of the Council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

6. The mayor or other presiding officer at any meeting of the council shall not vote except when there is an equality of votes in which case he shall give a casting vote unless he is disqualified to vote by reason of interest or otherwise in which event the question shall be deemed to be negatived.

7. The Mayor shall call special meetings of the Council whenever requested in writing so to do by a majority of the Council and all the members of the Council shall be duly notified of the meeting at least eight hours prior thereto and in general terms of the business to be transacted thereat.

8. If so requested at any time by the written petition of fifty electors the Mayor shall by a printed public notice conspicuously posted up in at least ten places in the city call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto.

TITLE XII.

OFFICIALS.

1. The Council shall appoint a secretary-treasurer, a city solicitor, a health inspector, a liquor license inspector, assessor, and one or more auditors and they may also appoint a commissioner or commissioners of public works and public utilities, who may be the mayor or any alderman or aldermen and appoint such other officers as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or of any by-law of the city, and such commissioner or commissioners may be paid such salaries as the council shall by by-law provide.

2. The Council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender.

3. Unless it shall be otherwise provided by special by-law appointing him, every officer, official, servant or employee of the corporation shall hold his office or employment at the pleasure of the Council or at the pleasure of such department head as the council may by general or special by-law provide, and every such person shall in addition to the duties assigned to him by this Act or the general law of the Province, perform such other duties as may be required of him by by-law of the city.

4. In addition to defining the duties of any officer the Council may by by-law require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the Mayor and shall be laid by him before the Council.

5. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city.

6. Every officers, servant and agent of the city shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the by-laws of the Council in addition to any penalties otherwise imposed for the said acts or defaults.

7. A Council may grant any officer who has been in the service of the city including its previous existence as a town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

TITLE XIII.

SECRETARY-TREASURER'S OFFICE AND DUTIES.

1. The secretary-treasurer shall attend all meetings of the Council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the Council and if required by any member present shall record the name and vote of every member voting on any matter submitted. He shall safely keep all the books, documents, records and accounts of the Council, the originals or duly certified copies of all by-laws thereof.

2. In case the secretary-treasurer is absent or is incapable of performing his duties the Council may by resolution appoint some person to act in his stead during the period of such absence or incapability; and during such period the person so appointed shall have all the powers of the secretary-treasurer.

3. Any elector may at all reasonable times inspect any account or claim presented to the commissioners or the council, any contract, any by-law, any report of the commissioners or of any committee or of any officer of the city (other than the report of the city solicitor or of any counsel engaged by the city) after the same has been submitted to the council, and the minutes of any regular or special meeting of the council, and also all assessment rolls, voters' lists, poll books, and other documents relating to any election or voting upon any referred by-law, and the secretary-treasurer shall within a reasonable time after demand furnish copies of any such documents or extracts therefrom to any applicant at the rate of ten cents per hundred words.

4. A copy of any such book, record, document or account certified under the hand of the secretary-treasurer and the city seal may, after the original thereof has been produced, be filed in court in lieu of such original and shall be received in evidence without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

5. The secretary-treasurer shall receive and safely keep all moneys belonging or accruing due to the city from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the by-laws of the Council.

6. The secretary-treasurer shall daily or as often as the Council may direct deposit in the name of the city in some chartered bank designated by resolution of the Council all moneys received by him in excess of \$100 and he shall jointly with the Mayor sign all necessary cheques.

7. In addition to all other books that the council may require him to keep the secretary-treasurer shall keep a book to be known as the "Cash Book" on the left hand page of which he shall enter in consecutive order all sums of money received by him, the date of the receipt thereof, and names of the persons from whom and on what account the same were received and the amounts thereof; and on the right hand page he shall in like order enter all moneys paid out by him, the date of the payment thereof, the persons to whom and on what account the same were paid and the amount thereof.

(2) The "Cash Book" shall at all times be open for inspection by any member of the Council and by the auditors and shall be produced and exhibited by the secretary-treasurer at all meetings of the Council at which he shall be directed to produce it; and at the times of such meetings it shall show the balance on hand in two items, namely: (1) the balance deposited to the credit of the city and (2) the balance remaining in the hands of the secretary-treasurer.

(3) No entry other than a cash entry shall be made in the "Cash Book," but the secretary-treasurer shall keep a book to be known as the "Journal," in which he shall duly enter all debits and credits not consisting of cash.

(4) The term "Cash" shall mean lawful currency of Canada, cheques and other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(5) The "Cash Book" and "Journal," shall be provided at the expense of and shall be the property of the city.

(6) The secretary-treasurer shall also prepare and submit to the Council half yearly a correct statement of the moneys at credit of the city.

(7) The Council may at any time divide the office of secretary-treasurer and may appoint a clerk and a treasurer and may prescribe their respective duties, allotting to each such of the duties herein imposed upon the secretary-treasurer as they shall see fit, and upon and after such appointment whether heretofore or hereafter made the clerk and treasurer shall respectively do such acts and perform such duties and have and assume such rights, powers, privileges, duties, obligations and responsibilities as are by this Act given to or imposed on the secretary-treasurer according as the same may be provided by the by-law in that behalf and this Act shall be read and construed as if the words "clerk" and "treasurer" respectively were substituted in the several sections thereof for the words "secretary-treasurer" according as their respective rights, powers, privileges, duties, obligations and responsibilities are by said by-law provided.

TITLE XIV.

PLAN OF CITY.

1. The Council may appoint a city engineer whose duty it shall be to prepare such plans or books of reference as the Council may direct and perform such other duties as are required of him by any by-law of the city.

2. No building shall be hereafter erected in the City of Medicine Hat unless and until plans and specifications thereof have been filed with the city engineer or some other officer appointed by the Council therefor and approved by him and any person contravening the provisions of this subsection shall be liable to a penalty of \$100.

TITLE XV.

CITY SOLICITOR.

1. The Council may appoint a member of the law society of the Province of Alberta as city solicitor and may determine his duties and the terms and period of his employment.

2. In case the remuneration of the city solicitor so appointed is to be paid wholly or partly by salary the city shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party; provided such costs are by the terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary.

TITLE XVI.

AUDIT.

1. The Council shall at its first meeting in each year or within one month thereafter appoint one or more auditors but no one who then or during the preceding year is or was a member of the Council or is or was secretary-treasurer or subject to Title XXXV, section 32 hereof, who has had during the preceding year directly or indirectly, alone, or with any other person a share or interest in any contract or employment with or in behalf of the city, except as auditor, shall be so appointed.

2. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same.

3. The Council may by by-law provide that the auditor or auditors shall audit all accounts before they are paid.

4. On or before the first day of March in each year the auditor or auditors shall prepare, in such form as the Council may by resolution direct, an abstract of the receipts, expenditures assets and liabilities of the city up to 31st of December of the preceding year, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand and shall make a special report respecting any expenditure made contrary to law and shall deliver the said abstract and report to the Mayor, who shall lay the same before the Council at its next meeting.

5. Any elector may inspect the said abstract and report and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

6. On or before the first day of April each year the Council shall cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the city, such newspaper to be designated by resolution of the Council.

TITLE XVII.

ASSESSORS AND CONSTABLES.

1. The Council may appoint such assessor or assessors as they deem necessary to make the assessment of the assessable property of the city annually, biennially or triennially as the Council may determine; who shall have the powers and perform the duties hereinafter specified.

(2) It shall be the duty of the assessor to examine annually all manufacturing establishments which have been granted exemption from taxation, a fixed assessment or other concession by the council, and to ascertain if they have complied with the conditions specified in the by-law or contracts granting said exemption or concession and to report to the council on or before the first day of May in each year.

2. The Council may appoint, remove and prescribe the duties of a chief constable and other members of the police force, a chief and other members of the fire brigade and such other officers, servants and agents as they may from time to time consider it necessary to appoint or employ for the purpose of any of the duties herein imposed or conferred upon them.

3. The Council shall fix and provide the salaries of all persons so appointed.

TITLE XVIII.

OATHS OF OFFICERS.

1. Every member of the Council, the secretary-treasurer, every assessor, the city solicitor, city engineer, and every other civic officer who may by the terms of his appointment be required so to do, shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) (or *if in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*) that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the offices of (*as the case may be*) to which I have been elected (or appointed) in this city, and that I have not received, and will not receive, any payment or reward or promise thereof, for the exercise of any partiality or malversation or undue execution of the said office (or offices) and that I have not by myself or partner, either directly or indirectly any interest in any contract with or on behalf of the said city, save and except that arising out of my office as (*name the office*). So help me God.

2. Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

3. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the effect following:

I, A. B., do solemnly **promise** and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this city, and that I have not received, and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.

4. When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk, or any justice of the peace, and the returning officer or any justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

5. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, A. B., having been appointed to the office of auditor for the City of Medicine Hat, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if re-appointed) with, by, or on behalf of the city, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year. So help me God.

6. The Mayor and Aldermen and the other civic officers except the secretary-treasurer who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or other person authorized to administer oaths, or before the secretary-treasurer; the declaration of the secretary-treasurer shall be made and subscribed before a justice of the peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

7. The Mayor or any justice of the peace may administer any oath, affirmation or declaration relating to the business of the city except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

8. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the secretary-treasurer who shall preserve it among the city records.

9. The Mayor or in his absence the presiding officer of the Council may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council.

TITLE XIX.

GOVERNMENTAL COMMISSION OF INQUIRY.

1. In case one-third of the members of the Council or sixty burgesses of the city petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to enquire into the financial affairs of the city, the Lieutenant Governor in Council may issue a commission accordingly and the commissioner or commissioners shall have all the powers of commissioners appointed under Chapter 12 of The Consolidated Ordinances, 1898, intituled "An Ordinance respecting Inquiries concerning Public Matters."

TITLE XX.

JUDICIAL COMMISSION OF INQUIRY.

1. In case the Council pass a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the Council or commissioner or other officer, servant or agent of the city or of any person having a contract therewith in relation to the duties or obligation of such person to the city or in case the Council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make the inquiry the judge shall inquire into the same and thereupon he shall for that purpose have all the power which may be conferred upon commissioners under Chapter 12 of The Consolidated Ordinances, 1898, intituled An Ordinance respecting inquiries concerning Public Matters, and the judge shall with all convenient speed report to the Council the result of the inquiry and the evidence taken thereon.

2. The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 11 of Title XXVII of this Act.

3. The Council requesting any such investigation may engage and pay counsel to represent the city therein and may employ and pay the fees, charges and expenses of such expert and technical advisers and witnesses as the council may deem necessary and whether or not such advisers be actually called as witnesses to give evidence in any such investigation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the city and any person charged with malfeasance,

breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

4. The Council may at any time by resolution appoint a Committee of its members to investigate any charge which may be made against any employee of the City and the Committee so appointed may summon such employee before it to answer the charge and shall have power to summon witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the Committee shall report the result of its inquiry to the Council.

TITLE XXI.

LEGISLATIVE JURISDICTION.

1. The jurisdiction of the Council shall be confined to the limits of the city except where authority beyond the same is expressly given by this Act.

2. The Council may make by-laws for the peace, order, good government and welfare of the City of Medicine Hat and for greater certainty, but not to restrict the scope of the foregoing provision or of any power authorized or conferred by this charter, the Council may make, repeal and amend by-laws for: regulating the erection of buildings; and for preventing the erection of wooden buildings or addition thereto, and of wooden fences in specified parts of the city; and for prohibiting the erection or placing of buildings other than with main walls of brick, iron or stone or other fireproof material and roofing of incombustible material within defined areas of the city; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fireproof and for prohibiting the erection or placing of any building or buildings or any addition to any building or buildings upon any lot or lots in the city at a less distance than seven feet from the line of the street or avenue upon which street or avenue such lot or lots front or abut; except with respect to any lot or lots fronting on South Railway Street from Ottawa Street to River Street and on North Railway Street from Balmoral Street to River Street; and from time to time defining areas within the city and regulating the building therein whether as to value of buildings to be erected, material to be used in the construction of buildings, the distance between buildings, the distance of buildings from any street or avenue, the height of buildings whether measured by feet or number of stories of building, the ground area of any building which may be erected upon any lots, lot or portion thereof or otherwise whatsoever; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; and for preventing the growth in the city of noxious weeds including such as defined

in section 2 of chapter 15 of the Statutes of the Province of Alberta, 1907, and for compelling the cutting and removal thereof by the owner or occupant of the land or by or under the authority of the city and for compelling payment of the cost of such cutting and removal by the owner or occupant of the lot or lots whereon such noxious weeds shall be cut, and providing that the cost of such cutting and removal of such noxious weeds shall be a preferential lien and charge on the lot on which the same shall be cut, and the cost of such cutting and removal may be levied and collected in like manner as municipal rates and taxes are by law recoverable; and giving names to all streets, avenues, lots and other public communications and from time to time altering the names thereof and for affixing such names at the corners thereof on either public or private property, but no by-law for altering the name of any street, square, road, lane or other public communication shall have any force or effect unless passed by a vote in favour thereof of at least two-thirds of the whole council, exclusive of the mayor or other officer presiding at the meeting; and for numbering the houses and lots along the streets and avenues of the city and for affixing the numbers to the houses, buildings, or other erections along the street, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; and for regulating the times during which wood, brush, straw, shavings or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed at such times and for preventing such fires from being kindled at other times and for from time to time defining areas within the city within which areas no such fires shall be at any time kindled; and for prohibiting and regulating the keeping and transporting of gunpowder and other explosive, combustible, inflammable or dangerous materials, and for limiting the quantity of gunpowder or of any other explosive, combustible, inflammable or dangerous substance to be kept in any place, and to regulate the manner in which such gunpowder or other explosive, combustible, inflammable or dangerous substance must be stored; and for the establishment and regulating of a pound or pounds and appointing and regulating the remuneration, fees, charges and duties of the poundkeeper or poundkeepers and for restraining and regulating the running at large or trespassing of any animals or fowls and providing for the impounding of same and for causing the same to be sold or destroyed in case they are not claimed within a reasonable time to be fixed by by-law, or in case the damages, fees and expenses are not paid; and for preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament whether upon any street, avenue, park or other public place or upon any private property in the city; and for regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of horse, cattle, sheep, pigs and other animals in certain public streets and places to be named or otherwise designated in the

by-law; and for regulating and controlling markets and for preventing or regulating the buying and selling of articles or animals exposed for sale on the market or brought thereto for sale, and for preventing or regulating the sale by retail in the public streets or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, smallware and other articles offered for sale whether of a kind similar to or different from those hereinbefore specifically mentioned, and for regulating the place and manner of selling and weighing meat, vegetables, fish, hay, straw, fodder, farm produce of every description, smallware and other articles exposed for sale, and the fees to be paid therefor; and for preventing criers and vendors of smallware from practising their calling in the market place, public streets and vacant lots adjacent thereto; and for preventing the forestalling, regrating or monopoly of meats, fish, roots, vegetables, poultry and dairy products, eggs and all articles required for family use and such as are usually sold in the market, and for preventing and regulating the purchase or bargaining for of such things, whether on or off the market place, by hucksters, grocers, butchers, dealers, traders, runners or agents of such or other persons whosoever for the purpose of resale; and for imposing penalties for light weight or short count or short measurement in anything marketed; and for seizing and forfeiting bread or other articles when of light weight or short count or short measurement; and for charging and collection of reasonable fees for storage of all articles remaining on the market place for a period of 24 hours from the time at which the same were brought thereon; and for the issue of licenses and payment of license fees in respect of any business, for prohibiting the keeping of hogs or carrying on within the city any business which may be deemed prejudicial to the public health; and for prescribing areas within the city within which no animals or certain animals only may be kept and for establishing public slaughter houses, and for preventing, regulating and inspecting the erection or continuance of slaughter houses and prohibiting the slaughter of animals intended for food, excepting any animals slaughtered solely for the use of the person killing the same or of his family excepting in slaughter houses established by the city and approved by the Health Officer and for the preservation of public health, and for from time to time defining by by-law areas within which no junk shop, livery stable, slaughter or packing house, tannery, place wherein hides and furs are stored or kept, laundry, soap factory or other business or industry likely to be prejudicial to the public health shall hereafter be maintained or established; and for the renting, leasing or selling, subject to such terms, conditions, stipulations and provisions as the council may deem fit of all or any houses, tenement buildings and out buildings and land upon which same may be built or which may be enjoyed therewith which may be acquired, built, carried on or constructed under the provisions of section three hereof, and to limit and control the use of whether as to the quantity to be used or taken or the hours during which same may be used or taken or otherwise and to prevent

the waste of water or gas by users thereof whether under the terms of any contract therefor, heretofore or hereafter made or other persons whomsoever; to regulate and control theatres and moving picture shows;

Provided that no such by-law shall be contrary to the general law of the Province of Alberta and shall be passed bona fide in the interests of the said City of Medicine Hat. And the Council may repeal or amend any such by-law except where the same has received the assent of the burgesses of the city and in such case only when the repeal of the by-law is similarly assented to by the said burgesses.

And provided that no by-law relating to procedure of the council when in session shall be repealed, amended or suspended (except so far as the terms thereof shall themselves permit) unless (1) by a by-law unanimously passed at a regular or special meeting of the Council at which all the members thereof are present; or (2) by a by-law passed at the regular meeting of the Council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the Council and setting forth the terms or substantial effect of the proposed by-law.

3. The Council may also make by-laws for:

(a) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating, and acquiring sufficient land, whether within or without the City, for the convenient carrying on of brick works, bridges, cemeteries, parks, nuisance grounds, gravel pits, sand pits, coal areas, crematories, exhibitions, elevators, ferries, jails, fire halls, petroleum, oil, gas (natural or manufactured) or electric light or power works, hospitals, lock-up houses, manufactories, markets, cold storage plants, mills, public libraries, swimming baths, municipal stables and farms, poor houses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, telephone systems, water powers or water works, acquiring right-of-way for and the construction of railway spur tracks subject to the approval of the Board of Railway Commissioners of Canada, not exceeding three miles in length to connect with industrial sites whether the same be within or without the city limits.

(b) Bonusing, exempting from taxation beyond the current year, making loans to or subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or company in respect of any industrial, commercial or engineering undertaking, or any agricultural society, and taking such security therefor as the Council with the approval of the burgesses may deem sufficient; granting to any person, syndicate or company a free site for the erection upon or establishment of any industrial or commercial undertaking or work of a public nature; granting to any such person, syndicate or company water or gas required in connection with any of the said works or undertakings at a nominal rate or charge; (Note: See amendment against bonusing on page 121).

(c) Granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise whether exclusive or not;

(d) Contracting debts not payable within the current year;

But any such by-law shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of Title XXIII.

(e) Building, constructing, improving, extending and maintaining houses, tenements, buildings and out-buildings for homes for workmen and their families, and for the acquiring of sufficient lands therefor within the city limits;

Provided that the said city shall not expend, nor authorize the expenditure of more than \$100,000.00 in any municipal year.

(2) No by-law for any of the purposes mentioned in clauses (b) and (c) shall be passed if the city has a similar system, undertaking or business in operation as a municipal public work nor shall any special franchise be granted for a longer period than twenty years.

(3) A debt contracted pursuant to a by-law and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures issued thereunder.

(4) The Council may by resolution include in the annual estimates and appropriate a sum not exceeding \$6,000.00 to be expended in the reception and entertainment of guests, travelling expenses necessarily incurred in and about the interests and business of the city, the diffusing of information respecting the city and the advertising of the advantages of the city as a location for manufactories or industrial establishments or businesses and in such other manner as in the opinion of the Council will advance the interests, progress and welfare of the city;

(b) The Council may by resolution also include in such annual estimates and appropriate a sum not exceeding \$1,000.00 for the support, maintenance and benefit of the public hospital of the city.

And for all or any of such purposes may raise and expend such further sums in any year as the Council may see fit, provided that a by-law for the raising and expending of such further amount shall in such year have been submitted to and approved of by a vote of the burgesses in accordance with the provisions of Title XXIII hereof.

4. Where the Council decides to undertake or assist any of the enterprises mentioned in the foregoing it may do so notwithstanding that the same may be wholly or partly without the limits of the city.

(a) Where under the provisions of any Statute other than *The Medicine Hat Charter* the corporation is required to construct any work or works or do any act or acts for the purpose of

carrying out the provisions of such Statute, it shall not be necessary to obtain the assent of the burgesses to the passing of a by-law for borrowing the moneys required for the purpose of carrying out the provisions of such Statute, but the Council shall have full power to pass by-laws in that behalf.

(b) The Council may, subject to the approval of the burgesses as provided in subsection (a) of section 3 thereof, dispose of or devote to some other municipal purpose in whole or in part, any property acquired by the city for a specific purpose when such property is in the opinion of the Council no longer required for the time being for the purpose for which it was originally required or to which it has been subsequently devoted.

(c) The Council may direct that the owner of any building situate upon land abutting upon any street or public place wherein there is a sewer and water main, shall install in such building connections with such sewer and water mains, and such apparatus and appliances as shall insure the proper sanitary condition of the building and premises.

(d) Notwithstanding anything in this Act contained, upon the report of the city engineer or the city medical officer of health recommending the same, the Council shall have power by resolution or by-law to direct water and plumbing, or other sanitary improvements to be made in any such building or premises or upon the lands belonging thereto, and the city may with or without the consent of the owner, occupant or tenant thereof, enter, make, construct and install such water, plumbing or other sanitary improvements or cause the same to be done, and after the completion thereof the city engineer shall grant a certificate stating therein the number and description of the parcel of land whereon such work has been done and the actual costs of the work, and shall file such certificate with the treasurer, and the amount of such costs so certified shall be divided into such number of instalments as shall be directed by the resolution or by-law directing the work and such costs together with interest on the sinking fund or equal annual instalment plan, shall, as in the case of local improvements, be added to the taxes on such lot or parcel of land in the collector's roll for the proper number of years, beginning with the rolls prepared next after the filing of said certificate, and the said costs shall thereupon become and be treated in all respects as ordinary taxes due upon the said land. And for the purposes aforesaid the Council by referred by-law, to be assented to by a two-thirds majority of the burgesses voting thereon, may from time to time before actually directing any such works, borrow such sum or sums as they shall estimate to be necessary for carrying out the same.

(e) The Council may provide and maintain lavatories, urinals and water closets and like conveniences in situations where they deem such accommodations to be required either upon the public streets or elsewhere, and may purchase or otherwise acquire land therefor and may defray the expense thereof and of keeping the same in repair and good order.

5. The power of license shall include power to fix the fees to be paid for licenses, to specify the qualifications of the person to whom and the conditions upon which such licenses shall be granted, to regulate the manner in which any licensed business shall be carried on, to specify the fees or prices to be paid by the licensee, to impose penalties upon unlicensed persons or for breach of the conditions upon which any license has been issued or of any regulations made in relation thereto and generally to provide for the protection of licensees; and such power shall within the city extend to persons who carry on business partly within and partly without the city limits.

6. The imposing or collecting of license fees shall in no case be held to prevent the assessment of any land held or used by the license holders or the collection of any taxes lawfully imposed thereon.

7. When the Council has authority to direct that any matter or thing shall be done by any person the Council may also direct that in default of its being done by such person it shall be done at the expense of the person in default and the city may recover the expense thereof with costs by action or in like manner as municipal taxes.

(2) And when any such matter or thing is done at the expense of the city upon or in respect of any land, the Council may by by-law charge the cost thereof against the said land and the amount with interest shall be payable in the same manner as if it had been assessed against the land as a special assessment for a local improvement, and the period over which the payment of the amount and interest shall be extended shall be fixed by by-law of the Council.

8. Subject to the other provisions of this Act the Council shall have no power to give any person an exclusive right for exercising any business or special franchise within the city.

9. Every by-law under this Act shall be under the seal of the city and shall be signed by the Mayor, or other person who presided at the meeting at which the by-law was finally passed, and countersigned by the secretary-treasurer and every by-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the Council except by the unanimous vote of the members present thereat.

10. A copy of any by-law written or printed and under the seal of the city and certified to be a true copy by the Mayor or secretary-treasurer shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the Mayor or secretary-treasurer has been forged.

11. In case no application to quash a by-law is made within two months next after the final passing thereof the by-law shall

be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

12. The Council may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the city shall be closed and remain closed on each or any day or days of the week at and during any time or hour between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

(2) The Council having passed any by-law in pursuance of the provisions of this Act, may from time to time by by-law amend the said by-law changing the hours when the said shops shall be closed and remain closed and substituting such other hours in the place and stead of the hours mentioned in the by-law and may repeal any by-law passed, or to be passed, and may pass any new by-law for closing the same, or any other shops, either with or without any petition therefor being presented to the Council.

(3) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the Council passing a by-law may appear best suited to insure the publicity thereof.

(4) A shop in which more than one class of trade is carried on shall be closed as far as relates to each class of trade at the hour and during the time at and during which any such by-law requires shops in which the class of trade in question is carried on to be closed.

(5) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty, or punishment for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death, or for supplying any article to any person lodging in such premises; but nothing herein contained shall be deemed to authorize any person whomsoever to keep his store open after the hour appointed for the closing of shops.

(6) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty, or punishment as if he were the occupier.

(7) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled upon information duly laid by him, to have any other person whom he charges as the actual offenders brought before the court at the time appointed for hearing the original charge, and the charges upon both informations shall be tried together, and if after the commission of the offence has been proved the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without

his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment, but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefore as if he were the occupier.

(8) Nothing in the preceding sections of this Act, or any by-law passed under authority thereof shall be deemed to render unlawful the continuance in the shop, after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

(9) Notwithstanding that a by-law passed under or purporting to be passed under or pursuant to the provisions of this Act may be invalid or ineffectual as to some shops or some class or classes of shops, every such by-law shall, nevertheless, and to all intents and for all purposes, be deemed to be valid and effectual as respects any other shop or class or classes of shops thereby required to be closed.

(10) In the forgoing subsections the expression "shops" means any barber shop or any building or portion of a building, booth, stall or place where goods are exposed or offered for sale and whether by wholesale or retail, but not where the only trade or business carried on is that of a tobacconist, newsagent, victualling-house or refreshment house, nor any premises wherein under license spirituous or fermented liquors are sold, and for the purpose of this Act sale by retail shall be deemed to include sale by auction, and the expression "closed" means not open for the serving of any customer.

(11) This section shall not apply to pharmaceutical chemists, or to chemists and druggists.

13. Any proposed by-law, other than a by-law for local improvement purposes, may be submitted to the Council by petition signed by not less than twenty-five per cent of those entitled to vote thereon according to the last revised voters' list. The signatures, verification, authentication, inspection, amendment and certificate of the city clerk shall be the same as provided in section 7 of Title III hereof. If such proposed by-law falls within the legislative jurisdiction of the Council, the Council shall—

- (a) Pass same without amendment or alteration other than to correct irregularities or defects therein or to draft or put same into proper form;
- (b) Submit within reasonable time at a special poll or at the general municipal elections such proposed by-law to be voted upon by the burgesses, such vote to be held in every way as in the case of a vote on money-by-laws; provided if such proposed by-law does not involve the expenditure of money all persons qualified to vote at an election for mayor may vote thereon and a clear summary of the purpose and terms of the proposed by-law with the date and hours of the poll and the polling

places inserted once each week for two weeks in one newspaper published in the city shall be sufficient advertisement of same.

In case two-thirds of the vote recorded at such poll is in favour of the proposed by-law as certified to by the city clerk, the Council shall immediately thereafter pass the said by-law and any by-law so passed shall not be repealed or amended without the question of such repeal or such amendment thereto being submitted to a vote on any date when any other by-law or by-laws are being voted on or at a general election, whichever shall be first, under the same procedure as near as may be to that followed in the passing of the said by-law, except that the Council may without any petition as aforesaid submit the question of such repeal or any amendment for such vote.

14. No by-law passed by the Council except when otherwise required by general law or by the provisions of this Act, except a by-law for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the Council, shall go into effect before the expiration of ten days from the date of its final passage, and if during said ten days a petition signed by the electors of the city equal in number to at least twenty-five per cent. of the entire vote cast for all candidates for mayor at the last general municipal election at which a vote was taken protesting against the passage of such by-law, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such by-law; and if the same is not entirely repealed the Council shall submit the by-law as is provided by the next preceding section hereof to the vote of the persons qualified to vote thereon and such ordinance shall not go into effect or become operative unless a majority of the qualified persons voting on the same shall vote in favour thereof. Said petition shall be in all respects in accordance with the requirements of section 7 of Title III hereof, except as to the percentage of signatures thereto, and shall be examined and certified to by the city clerk in all respects as therein provided.

TITLE XXII.

MONEY BY-LAWS.

1. By-laws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payment of such debts.

2. The amount of the debenture debt of the city at any time outstanding shall not exceed thirty-five per centum of the assessed value of all assessable property in the city according to the last revised assessment roll.

3. The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding.

4. The by-law creating debt shall state by recital or otherwise:

- (a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created.
- (b) The period over which the indebtedness is to be spread and the amount of the debt to be paid in each of such years or the period at the end of which the same is to be paid.
- (c) The rate of interest and whether the same is to be paid annually or semi-annually.
- (d) The amount of rateable property in the city according to the last revised assessment roll.
- (e) The amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrear.

5. The by-law shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law it shall take effect on the day of the final passing thereof.

6. The by-law may provide that the indebtedness shall, as the Council may deem expedient be payable:

(1) In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or

(2) In such manner that the principal shall be repayable at the end of the said period, an equal sum by way of sinking fund being raised annually during the said period, sufficient with the accumulated interest thereon to meet the principal at maturity and the interest thereon annually.

And if such provision is contained in any by-law of the city or the town of Medicine Hat heretofore or hereafter to be passed the debt and the debentures issued in respect thereof may be made payable in whichever of the above modes the Council may by by-law determine.

7. The debentures to be issued under the by-law shall be in the following form or to the like effect:

CITY OF MEDICINE HAT.

\$----- Debenture No.-----

Under the authority of Medicine Hat Charter and of by-law No. _____ of the City of Medicine Hat, passed on the _____ day of _____, 19____, the said city promises to pay the bearer at _____ the sum of _____ Dollars (if issued in accordance with Clause 1, Section 6, proceed as follows) with interest at the rate of _____ per centum per annum, in

consecutive annual instalments, according to the terms of the several coupons hereto attached.

Mayor

Secretary-Treasurer.

Corporate seal of the city.

Coupon No.-----

Debenture No.-----

The City of Medicine Hat will pay to the bearer at
on the day of , 19 , the sum of
Dollars, being the interest, together with the first payment of
principal on above bond.

Secretary-Treasurer.

(If issued under Paragraph 2 of Section 6, proceed as follows)
and in the meantime to pay to the bearer interest at the rate of
 per centum per annum, as set out in the coupon hereto
attached.

Mayor.

Secretary-Treasurer.

Corporate seal of the city.

Coupon No.-----

Debenture No.-----

The City of Medicine Hat will pay to bearer at
on the day of , 19 , the
sum of Dollars, being the annual interest
due on above debenture.

Secretary-Treasurer.

8. In the case of debentures issued for local improvements the words "Local Improvements debenture" shall also be printed on the face of any debenture issued for that portion of the cost of any local improvement to be paid for by special assessment.

9. Every debenture issued as aforesaid shall be sealed with the seal of the city and signed by either the Mayor or by some person authorized by by-law to sign the same in his stead and by the secretary-treasurer or by some person authorized by by-law to sign in his stead and the coupons shall be signed by the secretary-treasurer provided, however, that the signature of the secretary-treasurer to such coupons may be lithographed or engraved.

10. Debentures authorized by any such by-law may be issued either all at one time or in instalments at such times as the Council deems expedient; but no debentures shall be issued after the expiration of four years after the final passing of the by-law;

and any debenture may, provided it be actually issued within the said period of four years bear any date within said period.

11. Any debenture issued under this Act shall be valid and binding upon the city notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the city in respect thereof; provided that the by-law not being a local improvement by-law has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing.

Wherever the word "issue" or "issued" or any relative term thereto is used in Titles XXII or XV, of *The Medicine Hat Charter*, in connection with debentures issued or to be issued under the authority of any by-law heretofore or which may hereafter be passed in accordance with the provisions of the said titles, such word or term shall be interpreted as relating only to the execution of the debentures on behalf of the City of Medicine Hat and not to the sale, mortgaging, pledging or hypothecation thereof unless the context otherwise requires. (1920, Cap. 44).

real property which if held by an individual would entitle him to vote shall be entitled to one vote which may be given by the chief resident officer of such corporation.

2. In case a by-law requires the assent of the burgesses before the final passing thereof the following proceedings shall, except in cases herein otherwise provided for, be taken for obtaining such assent:

(1) The secretary-treasurer shall perform the duties of returning officer.

(2) The Council shall by the by-law fix the day and hour for taking the votes of the burgesses and the places in the city where polls shall be opened and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the information as herein provided.

(3) The Council shall publish a notice in some newspaper in the city in at least one number of such paper once a week for three weeks which notice shall contain the following information in some brief general terms:

- (a) The object of the debt or debts intended to be created by the by-law or by-laws and the amount thereof;
- (b) The period over which the indebtedness is to be spread;
- (c) The rate of interest and whether the same is to be paid annually or semi-annually;
- (d) Whether the indebtedness is repayable in equal annual payments or on the sinking fund plan;

and any debenture may, provided it be actually issued within the said period of four years bear any date within said period.

11. Any debenture issued under this Act shall be valid and binding upon the city notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the city in respect thereof; provided that the by-law not being a local improvement by-law has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing.

12. Every by-law which has received the assent of the required number of burgesses who have voted thereon may be passed by the Council within four weeks of the voting thereon but not thereafter.

TITLE XXIII.

ASSENT OF BURGESSES TO BY-LAW.

1. For the purpose of this Title any bank or other corporation assessed on the last revised assessment roll as the freeholder of real property which if held by an individual would entitle him to vote shall be entitled to one vote which may be given by the chief resident officer of such corporation.

2. In case a by-law requires the assent of the burgesses before the final passing thereof the following proceedings shall, except in cases herein otherwise provided for, be taken for obtaining such assent:

(1) The secretary-treasurer shall perform the duties of returning officer.

(2) The Council shall by the by-law fix the day and hour for taking the votes of the burgesses and the places in the city where polls shall be opened and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the information as herein provided.

(3) The Council shall publish a notice in some newspaper in the city in at least one number of such paper once a week for three weeks which notice shall contain the following information in some brief general terms:

- (a) The object of the debt or debts intended to be created by the by-law or by-laws and the amount thereof;
- (b) The period over which the indebtedness is to be spread;
- (c) The rate of interest and whether the same is to be paid annually or semi-annually;
- (d) Whether the indebtedness is repayable in equal annual payments or on the sinking fund plan;

- (e) The day and hours between which the voting shall take place;
 - (f) The amount of the whole rateable property in the city according to the last revised assessment roll;
 - (g) The existing debenture debt of the city;
 - (h) In case of the granting of a franchise or the ratifying of any agreement is proposed, a copy of the proposed franchise or agreement shall also be published.
- (4) The notice may be in the following form or to the like effect, and any number of matters may be included in one notice:

PUBLIC NOTICE.

“Notice is hereby given that the municipal Council of the City of Medicine Hat hereby refers the following questions to the burgesses for their approval:

“(a) Creating a debenture debt in the sum of \$-----
for the street railway construction; twenty year debentures; interest 5%, semi-annually; sinking fund plan.

“(b) Creating a debenture debt in the sum of \$-----
for purchasing land for certain several new fire hall sites; thirty year debentures; interest 5%, annually; equal annual payment plan.

“Rateable property according to last revised assessment roll is \$-----

“Total debenture debt \$-----

“Local Improvement and other debts not affecting 35% borrowing power \$-----

“Debenture debt affected by 35% limit \$-----

“No amount of the principal or interest is in arrear (or as the case may be.)

“(c) Or shall the Council pass a by-law granting to ----- the franchise specified in the following agreement, or shall the Council pass a by-law authorizing the execution of the following agreement:

“The Mayor will attend at the city hall on -----
for appointment of agents to attend polls on behalf of persons opposing or promoting the said questions. The vote will be held on ----- day, the ----- day of ----- 19----- between the hours of 9 a.m. and 8 p.m. at the following places -----
(places fixed by the by-law) -----

City Clerk.

(Have franchise or agreement here set out in full).

3. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a by-law the secretary-treasurer shall cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the voting.

4. The ballot papers shall be in the following form:

Voting on by-law there insert object of the by- law) to be submitted to the burgesses of the City of Medicine Hat	FOR THE BY-LAW.
	----- AGAINST THE BY-LAW.

5. The Council shall by the by-law fix a time when and a place where the secretary-treasurer shall sum up the number of votes for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places; and at the final summing up of the votes by the secretary-treasurer on behalf of the persons respectively interested in promoting or opposing the passing of the by-law respectively.

6. At the time and place named the Mayor if requested shall appoint by writing signed by him two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the by-law and a like number on behalf of the persons interested in opposing the passing of the by-law.

7. Before any person is so appointed he shall make and subscribe before the Mayor or the secretary-treasurer a declaration in the following form:—

I, the undersigned, A. B., do solemnly declare that I am a burgess of the City of Medicine Hat and that I am interested in the promoting (or opposing as the case may be) the passing of the by-law (here insert the object of the by-law) to be submitted to the burgesses of the said city on the _____ day of _____, 19 ____.

Declared before me this _____ day of _____, A.D., 19 ____.

(Signature.) A. B.,
C. D.,
Mayor.
E. F.,
Secretary-Treasurer.

or

8. Every person so appointed before being admitted to the polling place or to the summing up of the votes as the case may be shall produce his written appointment to the deputy returning officer presiding at the poll or to the returning officer presiding at such summing up of the votes as the case may be.

9. In the absence of any person authorized as aforesaid to attend at a polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may, upon making and subscribing before the deputy returning officer or the secretary-treasurer a declaration in the following form, be admitted to the polling place or to the place where and when the returning officer shall hold the final summing up of votes cast as the case may be, to act for the person so absent:

I, undersigned A. B., do solemnly declare that I am a burgess of the City of Medicine Hat, and that I am interested in the promoting (or opposing, as the case may be) the passing of the by-law (here insert the object of the by-law) to be submitted to the burgesses of the said city on the day of , 19 .

Declared before me this day of , 19 .

C. D.,

Deputy Returning Officer.

10. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks, and persons or burgesses authorized to attend as aforesaid at the polling place.

11. The secretary-treasurer on the request of any burgess entitled to vote at one of the polling places who has been appointed deputy returning officer, poll clerk, or constable, or who has been named as the person to attend at a polling place other than the one where he is entitled to vote, shall give to such burgess a certificate that he is entitled to vote for or against the by-law at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect to which such burgess is entitled so to vote.

(2) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such burgess to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or other person aforesaid during the whole day of the polling.

(3) In the case of a deputy returning officer or constable voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection 1 of this section the poll clerk or in the absence of the poll clerk any one authorized to be present at the polling place may administer any of the oaths required to be taken by a burgess in order to establish his right to vote on the by-law.

12. The secretary-treasurer before the poll is opened shall prepare and deliver to the deputy returning officer for every ward or polling subdivision a voters' list containing the names arranged alphabetically of all the burgesses entitled to vote on the by-law in that polling subdivision, a brief description of the property in respect of which each is entitled to vote, and he shall attest the said list by writing under his hand.

(2) Such list shall be prepared by the secretary-treasurer from the last revised assessment roll of the city, but the Council may up to the eighth day before the date fixed for the voting on the by-law and upon the application of any person who has

ceased to have the necessary qualification remove his name therefrom and substitute therefor the name of any person who has since the final revision of the said roll acquired such qualification.

13. The person, male or female, entitled to vote as burgess on any by-law requiring the assent of the burgesses shall be any person who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voters' list of the city and who is at the time of the tender of the vote a freeholder in his own right, of real property within the city and is rated on the last revised assessment roll as such freeholder for not less than \$400, and who has not directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders.

14. At the time and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

15. The polls shall be kept open from nine o'clock in the forenoon until 8 o'clock in the evening of the same day, provided that any person within the provisions of section 25 of title V, may exercise the right of voting as in the said section provided.

16. Every deputy returning officer, poll clerk, constable, or agent authorized to be present at any polling place at the voting on a by-law shall before exercising any of the rights or functions of his office take and subscribe before a Justice of the Peace or before the returning officer or, in the case of a poll clerk, constable, or agent, before the deputy returning officer presiding at the poll an affidavit in the following form:

I, A. B., do solemnly promise and declare that at the voting on the by-law submitted to the burgesses of the City of Medicine Hat, the voting on which has been appointed for this day, I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the by-law.

Declared before me this day of A.D., 19 .
Justice of the Peace (or Sec.-Treas.)

17. The directions to be delivered to the deputy returning officer shall be in the same form as that used for the guidance of voters at city elections, except that for the first paragraph thereof the following will be substituted:

The voter will go into one of the compartments and with a pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

18. No burgess shall be entitled to vote more than once on any by-law.

19. Every burgess tendering a vote on the by-law may be required by the deputy returning officer or by any ratepayer entitled to vote on the by-law to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect following:

You swear that you are the full age of twenty-one years

That you are a freeholder in your own right in this ward.

That you have not voted before on the by-law.

That you are according to law entitled to vote on the by-law.

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you now tender.

That you are the person named or intended to be named in the voters' list (*showing the voters' list to the voter*).

20. The chief resident officer of any corporation tendering a vote on the by-law may be required by the deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

That you are the chief resident officer of the (*naming the corporation*).

That the said corporation is a freeholder in this ward.

That you have not cast any vote on the by-law on behalf of the corporation.

That you are according to law entitled to vote on the by-law as chief resident officer of said corporation.

That the said corporation is the corporation named (or intended to be named in the voters' list) (*showing the voters' list*).

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any.

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith.

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

And no inquiries shall be made of any voter except with respect to the facts specified in the oath or affirmation.

21. The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following:

1. Name or number of ward or polling subdivision and date of voting.

2. Number of votes for and against the by-law.

3. Rejected ballot papers.

22. The deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot

paper found in the ballot box and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer.

23. Every deputy returning officer at a completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date, of voting, the name of the deputy returning officer and of the ward or polling subdivision.

(1) The statement of votes given for and against the by-law and of the rejected ballot papers.

(2) The used ballot papers which have not been rejected to and have been counted.

(3) The ballot papers which have been objected to but which have been counted by the deputy returning officer.

(4) The rejected ballot papers.

(5) The spoiled ballot papers.

(6) The unused ballot papers.

(7) The voters' list and poll book with the oath in the form prescribed by section 30 of Title VI annexed thereto, a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 18 of Title VI with their declaration of inability and the notes taken of objections made to ballot papers found in the ballot box.

24. Every deputy returning officer shall at the close of the poll certify under his signature on the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the voters' list and poll book in their proper package as aforesaid he shall make and subscribe before the secretary-treasurer or before a justice of the peace or the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be in the form prescribed by section 30 of Title VI of this Act and shall thereafter be annexed to the voters' list. The deputy returning officer shall then forthwith return the ballot box to the secretary-treasurer.

25. Every deputy returning officer upon being requested so to do shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law and of the number of rejected ballot papers.

26. The secretary-treasurer after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place shall at the time and place appointed by the by-law in the presence of the persons author-

ized to attend or of such of them as may be present without opening any of the sealed packets of ballot papers sum up from such statements the number of votes for and against the by-law; and shall then and there declare the result and shall forthwith certify to the Council under his hand whether the majority of the burgesses voting upon the by-law have approved or disapproved of the by-law.

27. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, or other person shall interfere with or attempt to interfere with a burgess when marking his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a by-law.

(3) No officer, clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a by-law.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on a by-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same on any by-law so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to a penalty of one hundred dollars and in default to imprisonment for any term not exceeding six months with or without hard labor.

28. If within two weeks after the secretary-treasurer has declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving notice of the application to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties, to be allowed as sufficient by the judge upon affidavits of justification, the sum of \$50 each, conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into scrutiny.

29. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such person as the judge directs and to the secretary-treasurer.

30. At the time appointed the secretary-treasurer shall attend before the judge with the ballot papers, and the judge upon

inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine whether the majority of the votes given was for or against the by-law, and shall forthwith certify the result to the Council.

31. The judge upon such scrutiny shall possess the like power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the Council; and costs shall be in the discretion of the judge as in the case of applications to quash a by-law; and he may apportion the costs as to him seems just.

32. All the provisions of Titles V, VI, and VIII so far as not inconsistent with the provisions of this Title shall *mutatis mutandis* apply to proceedings under this Title.

TITLE XXIV.

QUASHING BY-LAWS, ETC.

1. Any elector of the city may within two months after the passing of any by-law or resolution of the Council apply to a judge upon motion to quash the same in whole or part for illegality; and the judge upon such motion may quash the by-law or resolution in whole or in part and may according to the result of the application award costs for or against the city and may determine the scale of such costs.

2. Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

3. The by-law or resolution may be proved by the production of a copy thereof certified under the hand of the secretary-treasurer and the city seal; and the secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents a folio.

4. Before any such motion is made the applicant, or in case the applicant is a company, some person on its behalf, shall enter into a recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

5. The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the Supreme Court with the other papers relating to the motion.

6. In lien of the recognizance mentioned in sections 4 and 5 of this title the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into Court having been made shall be filed in the Supreme Court with the other papers relating to the motion.

7. Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

8. All moneys required to be paid into or out of court under this title shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in said court.

(2) Any by-law which has been procured to pass through or by means of any violation of the provisions of sections 1 and 2 of Title VIII of this Act may be quashed upon an application made in conformity with the provisions herein contained.

TITLE XXV.

FINANCE.

1. The secretary-treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal, both to be distinguished from all other accounts in the books by some prefix, designating the purpose for which the debt was contracted, and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

2. If after paying the interest of a debt for any financial year and appropriating the necessary sum for the sinking fund of such debt or in payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

3. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the city save as otherwise ordered by this Act.

4. The Council may by by-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinbefore provided shall, from time to time as the same occurs, be applied to payment or redemption of such debenture debt at such value as the Council may fix or of any part of such debt or of any of the debentures representing or constituting such debt or any part of it though not then payable, to be selected as provided by such by-law; and the Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner directed by such by-law.

5. In the event of the Council diverting any of the said moneys for current or other expenditures save as aforesaid and subject to section 7 of this title the members of the Council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount may be recovered by action in the Supreme Court to be brought by the Council in the name of the city.

(2) The members of the Council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the Council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the city the action may be brought by any elector on behalf of himself and the other electors of the city.

6. In the event of the Council neglecting in any year to levy the amount required to be raised to provide a sinking fund or the instalment of principal necessary for the payment of any debenture debt of the city every member of the Council shall be disqualified from holding any municipal office for the next two years; but no member of the Council shall be liable to the penalty hereby imposed who shows to the satisfaction of a judge that he made reasonable effort to procure the levying of the rate for the said sinking fund.

7. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied toward paying the debt by reason of no part thereof being yet payable the Council shall from time to time invest the same in Government securities, municipal or school debentures or in local improvement debentures of the city or in any other debentures of the city or in first mortgage on real estate to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser, or by way of the temporary use of an amount not exceeding seventy-five per centum of the estimated amount of the municipal taxes to be levied by the general rate of the current year: Provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other like securities.

(2) The Council may regulate by by-law the manner in which such investments shall be made.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the Council; but they may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) The Council may direct by by-law that any surplus moneys in the hands of the secretary-treasurer and not speci-

ally appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt and may invest such sinking fund in any other security named in and according to the provisions of this section.

8. The Council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by the general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve as the case may be or may be applied in payment of any instalment thereof accruing due; or the Council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the Council may be thought likely to arise in connection therewith.

9. No member of the Council shall take part in or be a party to the investment of any moneys referred to in section 7 of this Title otherwise than is therein authorized; and any person so doing shall be held personally liable for any loss thereby sustained by the city.

10. After the passing of any by-law covering the several amounts required for local improvements the Council may without in any way affecting the liens on the property therein described in order to effect the issue of debentures for small or broken amounts pass a collective or accumulative by-law consolidating the several amounts of the said debentures in a general consecutive issue under such consolidating by-law, apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-law passed in the first instance.

11. Instead of passing separate by-laws the Council may pass one by-law for several local improvement works, giving the same information concerning each of such works as would be given in the separate by-laws relating to each work and the passing of one by-law covering several distinct works shall not affect the validity of the by-law.

(2) The provisions of this and the next preceding section shall apply to by-laws heretofore passed by the Town of Medicine Hat.

(11a) After a referred by-law has been passed by the Council the Council may by one or more by-law or by-laws authorize the mayor and secretary-treasurer to borrow from any bank, person or corporation by promissory note, treasury bill or overdraft from time to time by way of a temporary loan in anticipation of the issue or sale of the debentures authorized by the referred by-law and for the purposes thereby authorized such sum or sums not exceeding in the aggregate the total principal authorized by the referred by-law to be raised as the Council deems expedient

and all such temporary loans shall be a special charge on the debentures in anticipation of the issue or sale whereof such temporary loans were made.

12. The secretary-treasurer shall open and keep a book to be known as the "Debenture Register." In the said book there shall be entered particulars of every by-law authorizing the issue of debentures, and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the secretary-treasurer with the proper particulars inserted therein, in the following form:

"Registered in the Debenture Register as No. _____ under
by-law No. _____ this _____, 19 ____."

13. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value notwithstanding defect in form or substance therein; and it shall not be held or deemed to have been the duty of any such purchaser to have enquired into the authority, other than the by-law, of the city to issue the debentures or into the title of the city thereto or into the proposed or actual application of the purchase price hereof.

14. A certificate signed by the Mayor and secretary-treasurer and sealed with the corporate seal of the city that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

15. In case any debenture issued under the authority of any by-law has been sold, mortgaged, pledged or hypothecated the city may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof, and thereupon issue one or more new debentures in substitution thereof; and may make such new debenture or debentures payable by the same or a different mode of payment, provided that neither the period over which the indebtedness was originally spread or the term at the end of which the same was made payable as the case may be, nor the rate of interest is increased and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

16. And any debenture issued by the Council may contain a provision in the following words:

"This debenture or any interest therein shall not after certificate of ownership has been endorsed thereon by the secretary-treasurer of this city be transferable except by entry or by the secretary-treasurer or his deputy in the debenture register of the said city."

17. In case of the issue of any debenture containing the provision in the last section mentioned the secretary-treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he

may give and also every subsequent transfer of such debenture. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the secretary-treasurer.

(2) After a certificate of ownership has been endorsed as aforesaid the debentures shall only be transferable by entry by the secretary-treasurer or his deputy in such debenture register from time to time as transfers of such debentures are authorized by the then owner thereof or his lawful attorney.

TITLE XXVI.

RATES.

1. The Council shall in each year assess and levy on the whole rateable property within its jurisdiction a sufficient sum to pay all valid debts of the city falling due within the year, making due allowances for the cost of collection and the abatement and losses which may occur in the collection thereof.

2. The Council may pass one by-law or several by-laws authorizing the levying and collecting of a rate or rates of so much on the dollar upon the assessed value of the rateable property in the city as shall be sufficient to raise the sums required according to such estimate.

3. If the amount collected falls short of the sum required the Council may direct the deficiency to be made up from any unappropriated fund belonging to the city.

4. If there is no unappropriated fund the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

5. If the sums collected exceed the estimates the balance shall form part of the general funds of the city and shall be at the disposal of the Council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

6. The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year ending with the 31st day of December thereof unless otherwise expressly provided for by by-law under which the same are directed to be levied.

7. The Council may authorize the mayor and secretary-treasurer to borrow, either before or after the passing of the by-law levying the taxes for the current year, from any person or bank such terms as the Council deem necessary to meet the current expenditures of the city, and to meet wholly or in part the amounts

required by the trustees of any public or separate school within the city.

(2) In every year all taxes collected by the assessor for school purposes and all moneys borrowed hereunder for school purposes shall be kept by the Council in a separate account and deposited in a chartered bank, to be credited to a trust fund to be styled "The Medicine Hat School Taxes Trust Account" and shall only be paid thereout to the school district having right thereto or in repayment of principal or interest of loans the proceeds of which have been deposited as above mentioned.

(3) Notwithstanding anything contained herein or any other Act or Ordinance to the contrary the trustees of any public or separate school district within the city shall have all the borrowing powers conferred upon a town district by *The School Ordinance* and amendments thereto.

8. The amount so borrowed shall not exceed eighty per centum of the estimated amount of the taxes and other revenue of the city for the then current year; and if the Council authorizes the borrowing of any larger sum than the amount aforesaid every member of the Council who votes therefor shall be disqualified from holding any municipal office for two years.

TITLE XXVII.

EXPROPRIATION.

1. In case the Council desires to acquire land for any purpose authorized in this Act it may in case it cannot acquire the land at a fair price by agreements with the owners or occupiers thereof or other persons interested therein acquire the same by expropriation in the name and on behalf of the city.

2. The said Council shall make to the owners or occupants of or other persons interested and whose interest therein is duly registered or caveated in the land titles office in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

3. Before taking any land the Council shall deposit with the secretary-treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and names of the owners or occupants thereof according to the last revised assessment roll.

(2) The secretary-treasurer shall thereupon notify such owners or occupiers and such other persons interested of the deposit of the said plan and specifications and of the date of such deposit and that all claims for compensation for the land so to

be taken; and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

4. In case any land not taken for any work or undertaking constructed, made or done by the Council under the authority of this Act is injuriously affected by such work or undertaking, the owner or occupier or other persons interested therein shall file with the secretary-treasurer within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(2) Such notice shall be given by the secretary-treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of the publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

5. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

6. In the case of land which the city has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors, reversioners and heirs respectively and on behalf of those whom they represent, whether infants, issue born or unborn, lunatics, idiots or others, have power to act as well in reference to any arbitration, notice and action, under this Act as in contracting for and conveying to the city any such land or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

(2) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from the Province of Alberta or is unknown, or in case his residence is unknown or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(3) In case any person acting as aforesaid has not the absolute estate in the property the city shall pay the amount to be paid in respect to such property as a judge shall direct into court and the city shall not be bound to see to the application of any sum so paid.

7. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges if any to which the said lands were subject and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the said city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

8. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer or discharge or other instrument or cannot be found or is unknown the city may pay such compensation or damages into court and thereupon the judge on the application of the city may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper in the City of Medicine Hat calling upon persons entitled to compensation or damages or injuriously affected to file their claim to the said compensation or damages or any part thereof and all such claims shall be received and adjudicated upon by the said Judge.

(3) Any judgment in such proceedings shall forever bar all claim to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

9. The Council of the City of Medicine Hat in all cases where claims for compensation or damages are made against the city, which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as the Council considers proper compensation for the land taken and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if any award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the city and set off against any amount awarded against the said city.

10. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the Council or which is alleged to have been injuriously affected in the exercise of any of the powers of the Council, in the event of the Council not being able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a Judge or of an advocate to be appointed by him.

11. The fees to be paid to the judge or the arbitrator appointed by him upon any arbitration shall be as follows: For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party, \$3.00; for every day sitting to consist of not less than six hours, \$20.00; for every sitting not extended to six hours, fractional part of hours being excluded, where the arbitration is actually proceeded with for each hour occupied, \$3.00.

12. The reference of any such claim to a judge shall not be deemed to be an admission of any liability on the part of the city and all defences and objections shall be open to either party as if an action had been brought.

13. The judge or other arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officer of the court without any further order and the amount so determined shall be payable within one week after taxation.

14. In case of any award under this Act the judge or other arbitrator shall take and immediately after the making of the award shall file with the secretary-treasurer for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof

15. The award shall not be binding on the city unless it is adopted by the city by by-law within one month after the making of the award and if not so adopted the property shall stand as if no arbitration had been held and the city shall pay the costs of the arbitration.

TITLE XXVIII.

ACTIONS BY AND AGAINST THE CITY.

1. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted, or validated by any statute imposing such duties, obligations or liabilities, the city shall have the right by action to enforce such duties or obligations and the payment of such liabilities, and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

2. In case a by-law or resolution is illegal in whole or in part and in case anything has been done under it, which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law

or resolution has been quashed or repealed and until one month's notice given thereafter in writing of the intention to bring the action has been given to the city and every such action shall be brought against the city alone and not against any person acting under the by-law or resolution.

3. In case the city or the Council tenders amends to the plaintiff or his solicitor, if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge shall direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

TITLE XXIX.

HIGHWAYS AND PUBLIC PLACES.

1. The jurisdiction over every public road, street, lane, alley, bridge, square or other public place in the City of Medicine Hat is hereby vested in the Corporation of the said city.

2. The Lieutenant Governor in Council may by order in council vest in the city jurisdiction over any highway, bridge or stream not wholly within the city limits or of any part of such highway, bridge, or stream.

3. The Council may make by-laws for:

(1) Closing, selling, or leasing the whole or any portion of any street, road, lane or public highway, the fee whereof is not vested in the Crown, and for the widening of the whole or any portion of any street, road, lane or public highway within the city by adding thereto a portion of the lots facing or abutting thereon on either or both sides thereof and any by-law may provide for the widening of any one or more streets or for one or more portions of one street or of several streets, provided that no such by-law shall be passed unless at least two weeks' notice of the intention of the Council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon that portion of such road, street, lane or highway proposed to be closed, sold, or leased or widened, and published previous to the passing of the by-law in at least two weekly issues of a newspaper published in the City. Nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been offered an opportunity to be heard by himself or his agent in relation to the proposed by-law and any such person so claiming, petitioning and appearing shall be entitled to compensation for any damages to his land by reason of anything done under the by-law such compensation to be determined in the same manner and subject to the same conditions as in the cases provided for by title XXVII of this Act.

(2) Providing for planting and protecting trees on highways and other public places and regulating the width of the travelled portion of the streets and avenues and the distance at which sidewalks may be laid from the property line and for

allowing the planting of trees and protection of the same by fencing or otherwise on the sides of such streets and avenues by the city or the owners of the property adjoining the same.

(3) Every public road, street, bridge, highway, square, alley or other public place belonging to the city, including all crossings, sewers, culverts and approaches, grades, sidewalks, and other works made or done therein or thereon by the city or by any person with the permission of the Council shall be kept in repair by the city and in default of the city keeping the same in repair the city, besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default.

(4) No action shall be brought to enforce a claim for damages under this section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor or to the clerk of the city within seven days of the happening of the accident.

(5) Provided that in case of the death of the person injured the want of the notice required under subsection (4) hereof shall be no bar to the maintenance of the action.

Provided further that the want or insufficiency of the notice required by subsection (4) hereof shall not be a bar to an action except where the action is founded on the existence of snow or ice on the sidewalk if the court or judge before whom the action is tried considers that there is reasonable excuse for the want or insufficiency of such notice and that the city has not thereby been prejudiced in its defence.

(6) Except in case of negligence the city shall not be liable for personal injury caused by snow or ice upon a sidewalk.

(7) No action shall be brought against the city for the recovery of damages occasioned by default in its duty of repair as mentioned in subsection 3 hereof, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of twelve months from time to time when the damages were sustained.

4. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public use by the Council or by the commissioners of the City of Medicine Hat.

5. In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square, or other public place, made, left or maintained by any person other than a servant or agent of the city or to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the city, the city shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the city.

6. The city shall be entitled to such remedy over in the same action if the other person is made a party to the action and if it is established in the action as against the other person that the damages were sustained by reason of any obstruction, excavation or opening as aforesaid placed, made, left, or maintained by such other person and the city may in such action have the other person added as a party defendant or third party for the purposes hereof, if not already a defendant in the action jointly with the city, and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

7. If such other person be not a party defendant to such action or be not added as a party defendant or third party, or if the city has paid the claim for such damages before any action is brought to recover the same or before the recovery of judgment for the damages or costs against the city therein the city shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

8. Such other person shall be deemed to admit the validity of the judgment, if any, obtained against such city in cases only where a notice has been served on such person pursuant to the provisions of The Judicature Ordinance or of any Statute of the Province of Alberta in that behalf or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

9. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the city or where damages have been paid without action or without recovery of judgment against the city the liability of the city for such damages and the fact that damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the city to recover in such action.

10. Nothing contained in subsection 3 of section 3 and section 4 of this Title shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the city has no control where the city is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a by-law, resolution or license of the Council.

11. Where an action may be brought against the city by any person who has suffered damage by reason of the default of the city in keeping in proper repair any public road, street, bridge,

highway, square, alley or other public place, no action shall be brought in respect of such damage against any member of the Council or officer or employee thereof personally but the remedy therefor shall be wholly against the city.

(2) This section shall not affect the liability of a mere contractor with the city nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

TITLE XXX.

ASSESSMENT.

1. The Council may by by-law divide the city into assessment districts and if they deem necessary may appoint one or more assistant assessors to aid the assessor in the work of assessment.

2. The work of each assessor shall be revised by an assessment committee composed of such assessor or assessors with the Mayor and secretary-treasurer or two other persons to be appointed by the Council and such revision shall be completed by the 30th day of April.

2a. On or before the 15th day of February in each and every year each public and each separate school district within the city shall furnish to the Council an estimate of the amount that the trustees thereof deem necessary for the expenditure of such school district for the then current year, and such amount shall be paid by the Council to the school district having right thereto in four equal instalments, on the last day of each of the months of March, June, September and December in such year; provided nevertheless an estimate of the amount deemed necessary by the trustees of any such district for the expenditure of such school district for the year 1915 shall be furnished to the Council on or before the first day of May, 1915, and the same shall be paid by the Council to the district having right thereto in four equal instalments on the last day of June, August, October and December in such year.

In the event of the Council failing to pay such amount to any such school district on the aforementioned due dates a debt for the amount or amounts so unpaid shall thereupon become due and payable by the city to such school district.

3. On or before the first day of May in each year the assessor or assessors shall deliver to the secretary-treasurer the assessment roll for the city in the following form (which may from time to time be altered as the Council may by by-law direct) with his affidavit thereto attached or endorsed thereon made before some person authorized to take affidavits in the following form:

I, _____, do swear that I have in the annexed (or attached) assessment roll and statement attached assessed the City of Medicine Hat for such portions thereof for which he may have been appointed (naming it) according to law to the best of my skill and ability and without favour.

Sworn before me at Medicine Hat
this _____ day of _____, A.D., 19 ____.

FORM OF ASSESSMENT ROLL.

Assessment Roll for Year 19. . City of Medicine Hat.	No. of Assessment.	
	The name in full (if same can be ascertained) of every person taxable in the city whether owner or occupant.	
	Post Office Address.	
	Owner or Occupant.	
	Public or separate school supporter.	
	Brief description of Taxable Property.	
	Frontage and Depth	
	Actual Cash Value of each parcel or lot of real property.	
	Value of Buildings	
	Income	
	Total amount of Assessment.	
	Date of Assessment.	
Date of Delivery or Posting of Notice		

- The assessor or assistant assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his authority that he is a supporter of Public Schools or of Separate Schools as the case may be and such statement shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll the words "P. S. S." or "S. S. S." as the case may be and in the absence of any such statement the assessor or assistant assessor shall make such entries in accordance with his belief.
- It shall be the duty of every assessable person to give to the assessor or assistant assessor all information necessary to enable him to make up the roll, no statement made by any such person shall bind the assessor or assistant assessor or shall excuse him from making inquiry as to its correctness.

6. It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give information concerning the names and places of residence of all persons employed by him, whose wages, salary or remuneration exceed \$200 per annum.

7. If any assessor or any assistant assessor makes fraudulent assessment or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully and fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.

8. The assessor within three weeks after completing the said roll shall publish in a newspaper published in the city a notice in the following form:

CITY OF MEDICINE HAT.

ASSESSMENT ROLL.

19

Notice is hereby given that the assessment roll of the city for the year 19 , has been prepared and is now open to inspection at my office in the City Hall from 10 a.m. to 4 p.m. on every judicial day except Saturday, and on that day from 10 a.m. to mid-day, and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing at my office.

Dated this day of , 19.
A. B.,
Assessor.

9. The assessor shall also within ten days after the completion of the assessment roll transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 8 of this Title and there shall be endorsed thereon a written or printed form of complaint stating the grounds thereof.

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the non-transmission thereof or by the non-receipt thereof by the person to whom it was addressed.

10. If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name has been wrongly inserted in or omitted from the roll or that any person who should be assessed as a Public School supporter has been assessed as a Separate School supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the Court of Revision

to correct the said error and in such notice he shall give a name and address where notices may be served upon him.

11. The assessor shall forthwith notify every such appellant and every other person so affected or who may be affected thereby of the time and place of the sittings of the Court of Revision, which notice shall be given at least three days before the date fixed therefor, either by delivering such notice to a grown up person at the address named in the notice referred to in section 10 of this title or by mailing the same addressed thereto in His Majesty's Post Office at Medicine Hat.

12. The Council shall fix a date when it will sit as a court of revision to hear appeals to add to, strike off, or alter the assessment roll as completed by the assessor and the assessor shall forthwith prepare a list of the appeals in the following form, which shall be posted up on a notice board on the outside of the building used for the time being as the City Council chamber and shall continue so posted until conclusion of the court of revision.

COURT OF REVISION OF THE CITY OF MEDICINE HAT.

APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
A B	Self	Overcharged on land
C D	E F	Name omitted
G H	J K	Not <i>bona fide</i> owner or tenant
L M	Self	Income overcharged
etc., etc.	etc., etc.	etc., etc.

13. The Council shall be the Court of Revision and the majority thereof shall be a quorum for the transaction of all business.

14. The assessor shall be the clerk of such Court of Revision and shall record all the proceedings thereof.

15. The Court may meet and adjourn from time to time and may be summoned to meet at any time by the Mayor or chairman thereof for the time being, and all the duties of such Court shall be completed before the first day of July in each year.

16. All evidence before the Court of Revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the Court and the clerk of the Court may when required issue summons to any

witness to attend such Court and if any person so summoned as a witness fails without good and sufficient reason to attend, having been tendered compensation for his time at the rate of \$1.00 per day and mileage at the rate of 10 cents per mile where a railway is not available, or actual railway fare, he shall on summary conviction thereof incur a penalty not exceeding \$50.

17. The Court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter and *vice versa* or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Act as the case may be.

18. If at any time before the first day of December it shall be discovered that the property of any taxable person or part thereof has been omitted from the roll the assessor shall notify such taxable person if he resides or has a place of business within the city that at a meeting of the Council to be held at least six days after such notice an application will be made to the said Council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same shall be assessed for.

(1) If such taxable person does not reside or have a place of business in the city then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the Council

(2) After such notices have been served or posted as afore said and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the Council may assess such taxable property and direct the assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known.

Provided always that the provisions of the sections hereof as to appeal shall apply to any such assessment.

19. If any complainant fails to appear either in person or by agent before the court of revision the court may proceed *ex parte*.

20. If upon the hearing of any such appeal it appears that the assessment of persons other than those already notified may be affected by the result of the appeal, the Council may direct notice to be given to such persons by the appellant and may adjourn the hearing from time to time but all appeals to the Council shall be determined on or before the 30th day of June after which date the Council shall have no power to hear an appeal.

21. Any amendments to the roll which are rendered necessary by the decisions of the Council shall be made by the assessor and initialled by the mayor.

22. The Council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialled by the assessor.

23. The roll with any amendments made as aforesaid shall be adopted by the Council on or before the 2nd day of July in each year and shall subject to any right of appeal thereupon become and be the revised assessment roll of the city and such roll certified by the assessor shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any omission in connection with any notice required thereof or prior thereto and a copy of such roll or any portion thereof written or printed without any erasure or interlineation and under the seal of the city certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

24. If at any time it appears to the assessor or to any assistant assessor that land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years such assistant assessor shall report the same to the assessor and the assessor shall enter such land on the next assessment roll as well for the arrears of the preceding year or years, if any, as for the taxes for the current year and the valuation of the land for the preceding year or year's assessment shall be the average of the three preceding years if the land has been assessed in any of the said preceding years and for the purpose of the current year's assessment the land shall be valued by the assessor or the assistant assessor. If the land has not been so assessed in any of the said preceding three years the assessor for the current year shall value the land or shall cause the same to be valued by the assistant assessor for the current year, who shall certify his valuation thereof to the assessor.

25. An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal.

26. In all cases of appeals under the provisions of the preceding section the proceedings shall be as follows:

(1) The person appealing shall in person or by agent serve upon the assessor of the city within eight days after the decision of the court of revision shall have been mailed or delivered to him, a written notice of his intention to appeal to a judge.

(2) The assessor shall immediately after the time limited for filing notice of appeals forward a list of the same to the judge usually exercising jurisdiction in the judicial district of which such city forms a part or if such city forms part of more than

one judicial district then to the judge whose official residence is nearest the city and such judge shall fix a day for the hearing of such appeal.

(3) The assessor shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision but in the event of failure by the assessor to have the required service in any appeal made or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

(4) The assessor of the city shall cause a conspicuous notice to be posted up in his office or the place where the Council of the city holds its sittings, containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which court will be held to hear appeals.

(5) The assessor of the city shall be the clerk of such court.

(6) At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September.

(7) At the court to be holden by the judge to hear the appeals hereinbefore provided for the person having charge of the assessment roll, passed by the court of revision, shall appear and produce such roll and all papers and writing in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the assessor of the city shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

(8) In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents, and for the enforcement of his order, decisions and judgments as belong to or might be exercised by him in the Supreme Court.

(9) All process or other proceedings in, about, or by way of appeal may be entitled as follows: In the matter of appeal from the Court of Revision of the City of Medicine Hat.

A. B.,

Appellant.

C. D.,

Respondent.

(10) The cost of any proceedings before the judge as aforesaid shall be paid by or appropriated between the parties in such manner as the judge thinks proper and where costs are ordered to be paid by any party the same shall be enforced by execution

to be issued as the judge may direct from the supreme court or in the same manner as upon an ordinary judgment for costs recovered in such court.

(11) The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in a court for such costs, and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder.

(12) The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the Council.

27. Every person who shall hereafter become entitled to any right, title, interest or claim in or to any land by virtue of an agreement in writing for sale thereof to him and whether such right, title, interest or claims is derived directly from the registered owner of such land or indirectly through one or more persons who may have entered into an agreement or agreements in writing for the purchase thereof shall forthwith file or cause to be filed with the assessor of the city a notice (verified by affidavit of such person or of some other person who has full knowledge of all the particulars set out in such notice, which full knowledge of the circumstances shall be stated in such affidavit) setting forth a description of the land agreed to be sold, the names of the persons with their places of residence and post office address from whom and to whom the land has been agreed to be sold, the date of the agreement of sale and the person who by the terms of such agreement is to pay the taxes on such land, and upon and after the filing of such notice the assessor of the city may for all the purposes of the various sections of this Title deem and treat such purchaser as the owner of such land, and in default of filing such notice as aforesaid and until such notice is filed the assessor may for all the purposes of the various sections of this Title deem and treat the registered owner or the last purchaser under agreement of sale of any land of which agreement such notice shall have been filed with him as the owner thereof.

TITLE XXXI.

TAXATION

1. Subject to the other provisions of this Act the municipal and school taxes of the city shall be levied upon buildings, lands, businesses, income and special franchises.

2. The following property shall be exempt from taxation:—

(a) The interest of the Crown in any property including property held by any person in trust for the Crown;

(b) Property specially exempted by law or held for the public use of the Government of Alberta;

(c) If any property mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity,

the occupant shall be assessed therefor but the property itself shall not be liable;

(d) The whole of the lands of all public and separate schools being public property, so long as such property is actually used or held for educational purposes, and the lands not exceeding one acre of all universities and collegiate institutions;

(e) All property belonging to the city and used only for civic purposes; and every highway, lane or other public way, and every public square or park whether situated inside or outside the city;

(f) Every place of public worship and the land used in connection therewith not exceeding one-half acre, except such part as may have any other building thereon;

(g) Every cemetery and burial ground;

(h) The buildings and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every hospital which receives public aid under and by virtue of The Hospital Act so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied;

(i) The buildings and grounds not exceeding one-half acre of the associations known as "The Young Women's Christian Association" and "The Young Men's Christian Association," so long as such buildings and grounds are actually used and occupied by such institutions but not if otherwise occupied;

(j) The property of any children's aid society, incorporated under The Children's Protection Act, if used exclusively for the purposes of and in connection with the society;

(k) The income of every unmarried person up to the amount of \$1,000.00 and of every other person up to the amount of \$1,500.00; provided that the Council may by by-law in any year exempt all income for that year;

(l) Lands exempt from assessment under clauses (d), (f), (g), (h) and (i) of this section shall nevertheless be liable to be assessed for local improvements;

3. The Council may pass by-laws exempting all or any portion of the building improvements upon the land within the city for the current year. Building improvements shall not in any event be assessed for more than fifty per cent. of their actual value.

4. (Repealed).

5. Land shall be assessed at its fair actual value exclusive of the value of buildings and improvements thereon. In estimating its value regard shall be had to its situation and the purpose for which it is used and, if sold by the present owner it could and would probably be used in the next succeeding twelve months. In case the value at which any specified land has been assessed appear to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross, if the value at which it is assessed bears a

fair and just proportion to the value at which the lands in the immediate vicinity of the land in question are assessed. If the council be of opinion that as a result of any one or more appeals it is desirable to revise the whole or any part of the assessment roll or rolls in regard to land, improvements or business, it may at any time before passing any by-law ordering the levy of the annual rates of taxes, order a new assessment to be made of the whole city or of any district, subdivision, block or portion thereof; such new assessment shall not be subject to any appeal except when the new assessment is beyond the amount of the former assessment or is above the amount at which it was fixed on appeal from the previous assessment.

6. All trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood, carried on, exercised or operated by any person, firm, partnership, company or corporation in the city shall be assessed each year on the assessment roll of the city a sum equal to the full annual rental value of the premises, whether buildings or lands or both, in or on which such trades, manufactures, financial or commercial institutions, businesses, occupations, arts, professions or means of profit or livelihood are respectively carried on, exercised or operated.

(a) The assessment made under this section shall be known as "business assessment" and the tax levied thereon shall be known as "Business Tax."

(b) Nothing in this section contained shall be deemed to include any premises used or occupied solely for the purpose of a private dwelling house, private residence or as an apartment, tenement or lodging house.

(c) Each person, firm, partnership, company or corporation shall pay to the city a business tax not exceeding ten per cent. of the business assessment, or such person, firm, partnership, company or corporation as shown on the assessment roll and each individual in any such firm or partnership shall be directly responsible for the payment of such tax.

(d) The business tax payable to the city hereunder in or for any year shall be fixed by by-law of the city; provided that in case no such by-law is passed in any year the rate of assessment for business tax for such year shall be ten per cent. of the business assessment for the said year; and provided further that in case it shall be at any time before the preparation of the tax roll be satisfactorily made to appear to the treasurer that any person subject to the business assessment has given up, sold or disposed of such business to any person who is continuing the same, the treasurer shall in preparing the tax roll charge such person with the business tax pro rata in respect to the number of months during which he has carried on such business, a portion of a month being taken as a month, and the treasurer shall upon the same basis of assessment charge the successor in business in such premises with the remainder of the tax in respect to the year in

question. If a person under a business assessment permanently vacates the premises before the first day of July the treasurer shall on being satisfied of that fact before preparing the tax roll enter the business tax against such person in regard to such premises at one-half the amount of the tax for the year. Upon it appearing to the treasurer that such person has resumed business in the premises or that any other person has subsequently commenced business therein, he may in either case charge against the party so resuming or commencing business a business tax pro rata for the proportion of the remainder of the year in which the business is carried on in the premises.

(e) Where any person, firm, partnership, company or corporation liable to pay the business tax provided for hereunder is also required to pay to the city a license fee or charge for the privilege of carrying on the trade, manufacture, business, occupation, art, profession or means of profit or livelihood in respect of which the business assessment is made and the business tax levied, the Council of the city shall remit or rebate the whole of such license fee or charge if less than or equal in amount to such business tax and if greater than such business tax such proportion thereof as is equal in amount to such business tax; provided that it shall be deemed a compliance with the provisions hereof on the part of the city to rebate or remit, or where the license fee has been paid, to refrain from levying such portion of the business tax as is equal to such license fee.

(f) The business assessment and business tax provided for in this Act shall not be affected by anything contained in The Corporations Taxation Act of the Province of Alberta, or any amendment to the said Act, or by any other ordinance or act of the said province.

(g) Assessment for business tax provided for in this section shall be in addition to the assessment on land provided for in section 5 hereof.

7. Every person, association of persons, company or corporation owning, using, operating or enjoying the benefit of any special franchise within the city shall not be liable for the business assessment in the preceding section hereof but shall in addition to the assessment on land provided for in section 5 hereof be assessed for the full value of all buildings, improvements, plant, machinery, equipment, and apparatus used in operating such special franchise, which said value shall be arrived at by estimating the actual cost thereof and deducting therefrom a reasonable amount for depreciation.

8. The business assessment may be made in a separate roll and may be made at a different time from the general assessment roll. The business assessment roll may be returned or reported upon to the city clerk by the assessor at a different time from the general assessment roll. The court of revision may sit for the hearing of appeals from the business assessment at different times from those fixed for hearing appeals from the general assessment. For the purpose of this clause the two assessments may be treated as separate and distinct. In all other respect the inspection

of the business assessment roll, the giving notice of appeal, and the procedure for and at appeals, and for the preparation of a tax roll based thereon, and the collection of taxes, shall be the same as by law are provided for the general assessment.

9. The business tax roll may be included in the general tax roll of the city, or may be separate and distinct therefrom, and the business tax may be made due and payable on the same date or dates as general taxes, or on any other date or dates as the Council of the city may by by-law fix therefor; provided, if no such by-law is passed, the date or dates for the payment of the business tax shall be the date or dates for the payment of the general taxes.

10. The Council may by by-law passed before the first day of June in any year direct that the business tax shall be levied upon a rate per square foot of the floor space of each building or part thereof instead of upon the annual rental value of the premises, and the mode of assessing businesses shall then be as follows:

(a) The assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways or other obstructions) of each building or part thereof used for business purposes, and shall as far as he deems practicable classify the various businesses.

(b) He may fix a different rate for each class, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class, and may classify each building or part thereof according to the kind of business carried on therein and may fix a different rate for different kinds of business carried on under the same roof, and for storehouses and warehouses or other like appurtenant buildings from that fixed for the principal building, and may fix a different rate for different flats of buildings.

(c) The rate shall not exceed \$8.00 per square foot, except in the cases of banks, loan companies or other financial institutions, in which case such rate shall not exceed \$15.00 per square foot.

11. Wherever it is found by the assessor that a business is being carried on, either wholly or partially, outside of any building, he shall fix a rate per square foot of the yard space used for such business, and shall as far as he deems practicable classify the various businesses, and he may fix a different rate for each, but such rate shall not exceed \$4.00 per square foot.

12. The council may by by-law provide that every male inhabitant of the city of the age of twenty-one years and upwards who has resided in the city for a period of six months or more, and who has not been assessed for real property, business or householders' tax of the city for the current year shall pay an annual poll tax of ten dollars, to be collected at any time after the first day of July in each year in the same manner as the other taxes or as hereinafter provided:

Provided that where the taxes rated against any person in respect of such real property, business or householders' tax do not amount to the sum of ten dollars in any year such person shall pay as a poll tax the difference between the taxes paid by him and the sum of ten dollars.

(2) Any person liable to pay poll tax as hereinbefore provided shall pay the same to the treasurer of the city.

(3) In case of neglect or refusal to pay the same within three days after demand in writing the treasurer may recover the same by action or may levy the same by distress and sale of the goods and chattels of the defaulter with costs of the distress and sale.

13. The council may by by-law assess, levy or charge against each householder in the city a sum not exceeding ten per centum of the annual rental value of the premises occupied by such householder, and may in the said by-law provide the mode or manner of such assessment, the right of appeal to the council in respect of such assessment, the time within which such appeal shall be made, the manner in which notice of appeal shall be given, the time or times when such assessment shall be made, the time or times of payment whether by monthly instalments or otherwise, and the minimum payment which shall be made in any one month.

(a) "Householder" shall mean the occupant of any dwelling house or part thereof whether as owner or tenant, and shall include a person occupying a room or rooms for residential purposes in any apartment or business block.

(b) Any such levy or charge shall be collectable by action or distraint, and during the period of default in payment the city treasurer may disconnect or discontinue the water, gas or electricity services to the premises of the person so in default.

TITLE XXXII.

TAXES

1. On or before the first day of October in each year the secretary-treasurer shall prepare a tax roll and thereon proceed to collect the taxes specified.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:

- (a) The name of every person assessed.
- (b) His residence.
- (c) The nature of the property in respect to which he is assessed.
- (d) The total amount for which he is assessed and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate which may include the general debenture rate (2) special rates (3) school rates and (4) arrears, and the total thereof.

(3) Any person whose business tax would be less than \$10.00 for any business shall be taxed \$10.00 for that business; and any person whose municipal tax would be less than \$3.00 shall be taxed \$3.00; and any person whose school taxes would be less than \$1.50 shall be taxed \$1.50.

2. If a taxable person is a resident of the city the secretary-treasurer shall transmit to him by post a written or printed notice showing the amount of the taxes payable by such person and distinguishing between:

- (1) Municipal taxes.
- (2) School taxes.
- (3) Local improvement or other special tax;

Or serve such notice upon any grown up person at the residence or business office of the person taxed and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify by his initials and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

3. In case the taxable person is a non-resident the secretary-treasurer shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such entry shall be *prima facie* evidence that the said notice was transmitted and of the date of such transmission.

4. The Council may require payment of taxes including local improvement rates, sewer rates, school rates and all other rates to be made by the taxable person at the office of the secretary-treasurer on any day or days and in bulk or by instalments, and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the by-law.

5. The Council may by by-law allow a discount for payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named, and may impose an additional percentage charge, not exceeding ten per centum per annum for non-payment by the 31st day of December in the year for which the same were imposed; and such additional percentage shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the secretary-treasurer or by distraint or otherwise as if it had been originally imposed by by-law.

6. The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and such taxes shall be a special lien upon the land and shall be collectable by action or distraint

in priority to every claim, privilege, lien or encumbrance of every person except the King; and the lien in its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

7. The production of a copy of so much of the roll as relates to the taxes payable by any person in the city certified as a true copy by the secretary-treasurer shall be conclusive evidence of the debt.

8. Any tenant may deduct from his rent any taxes paid by him, which, as between him and his landlord, the latter ought to pay.

9. Where taxes are due on any land occupied by a tenant the secretary-treasurer may give such tenant notice in writing requiring him to pay the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs and the secretary-treasurer shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs, but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

10. In case taxes which are a lien upon land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 2 or in the case of non-residents for one month after the posting of the statement provided for by section 3 of this Title the secretary-treasurer may levy the same with costs by distress either:

(1) Upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears upon the roll and who is hereinafter called the person taxed or

(2) upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under contract by which he may become owner thereof upon performance of any condition; or (3) upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or (4) upon any goods and chattels upon the land where title to such goods and chattels is claimed in any of the ways following: (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; (b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any other relative of his in case such others relative lives on the land as a member of the family; (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

11. Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

12. No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

13. In case taxes which are not a lien on land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 2, in the case of a non-resident for one month after the posting of the statement and demand provided for by section 3 of this Title, the secretary-treasurer may levy the same with costs by distress either:

(1) Upon the goods or chattels of the person taxed wherever found within the city; or

(2) Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition;

(3) Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by sub-clauses (a), (b), (c) of section 10 and with the words "Or against the owner though his name does not appear on the roll" and the words "Or such owner" and the words "On the land" omitted therefrom.

14. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent, shall be levied upon or sold for such taxes.

15. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or the date of the winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

16. Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

17. The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

18. If at any time after demand has been made or notice given pursuant to sections 2 and 3 of this Title and before the expiration of the time for payment of the taxes the secretary-treasurer has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the city, and if he makes affidavit to that effect before any justice of the peace, the justice may issue a warrant to the secretary-treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the secretary-treasurer may levy accordingly.

19. The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under Chapter 14 of The Consolidated Ordinance 1898 intituled An Ordinance respecting Distress for Rent and Extra Judicial Seizure.

20. No defect, error, or omission in the form or substance of the notice or statement required by sections 2 or 3 of this Title or in the service, transmission or receipt thereof, shall invalidate any subsequent proceedings for the recovery of the taxes.

21. The secretary-treasurer shall by advertisement posted up in at least three public places in the City near to the distrained property give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold, and at the time named in the notice the secretary-treasurer shall sell or cause to be sold by public auction the goods and chattels distrained or so much thereof as may be necessary.

22. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

23. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

24. If the claim is contested the surplus shall be retained by the secretary-treasurer until the respective rights of the parties have been determined by action or otherwise.

25. If any of the taxes mentioned in the roll remain unpaid on the 31st day of December in any year and the secretary-treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain" or "Instructed by Council not to collect" or "Instructed by the Council to return not collected" or as the case may be.

TITLE XXXIII.

SALE OF LAND FOR TAXES

(See "Tax Recovery Act").

TITLE XXXIV

LOCAL IMPROVEMENTS.

1. The term "Local Improvement" shall be taken to mean:

(a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, way or place; or

(b) The construction of any sidewalk, bridge, culvert or embankment forming part of a highway; or

(c) The curbing, sodding, boulevarding, or planting of any street or public lane, alley, square or other public place; or

(d) The making, deepening, enlarging or prolonging of any common ditch, drain or sewer;

(e) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place;

(f) The sweeping or watering of any street, park, alley or other public place; or

(g) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city;

(h) The re-construction but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or

(i) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof.

(j) The erecting and construction of any lamps, lamp posts, standards, poles or lights for the lighting of the whole or any portion of any roadway, street, lane or alley or for the lighting of any square or other public place and for the supplying of light therefor, and for the erecting, laying and constructing of the necessary wiring, piping and apparatus therefor whether on or off such roadway, street, lane or alley or such portion thereof or such square or other public place.

(2) The term "Special Frontage Assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon of wherein the improvement is to be made according to the number of lineal feet, measured along the front or other abutting portions of the said several lands to the amount of such share of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made.

(a) Provided that where the street or place whereon or wherein the local improvement is made abutts on several parcels of land some of which appear to call for a smaller or a larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bears a fair, just and equitable proportion of the cost of the improvement; and

(b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along the street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon, or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land may be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances;

(c) Provided that in case of sewers, if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith, there may be assessed against such land the same amount per foot frontage as was assessed against the land actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of a municipal account relating to sewers, but any land so assessed shall be exempt from special frontage in respect of any sewer constructed on the street or place whereon or wherein such land abutts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption; and

(3) The term "Special Local Benefit Assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abutts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefitted by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion, having regard to all other parcels of land benefitted by the local improvement to such total charge.

(4) The term "Cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, survey-

ing, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the moneys to pay the cost thereof including discounts and interests.

(5) The cost of extensions from time to time of local improvements shall be borne by the city at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportion as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

2. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per centum per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so especially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof, less any amount previously paid on account thereof.

3. The Council may pass by-laws—

(a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion, if any, shall be borne by the municipality at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided, and the mode to be adopted, and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost as the case may be either by way of special frontage assessment or by way of special local benefit assessment. And it is hereby declared that a by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance.

(b) For borrowing by the issue of debentures upon the credit of the municipality at large the moneys required to meet the whole or any part of the cost of any local improvement, provided (1) that by-laws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof, although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment, or comprising the whole or a part of any portion of that part of the cost which is to be borne by the municipality at large, or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of burgesses to the passing of any by-law for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any by-law for raising such portion of the costs as is to be borne by the municipality at large of any extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the city for the current year; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the city beyond the limits thereof fixed by this Act.

(c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the municipality at large the whole or any part of the cost of a local improvement provided that clause (d) of subsection (1) of section 3 to Title XXI shall not apply to the case of such temporary loans. And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the city within the meaning of this Act and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money, but it shall be sufficient to state in any such by-law that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessment.

4. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided.

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made or of lands to be benefitted by the local improvement as the case may be and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon

the last revised assessment roll, whose signatures are verified by the affidavit of at least one attesting witness, the Council may take all proper and necessary proceedings for undertaking and completing the local improvement on a special frontage assessment system, or special local benefit assessment system as the case may be and after the Council shall have finally determined to undertake the improvement no name shall be removed from such petition.

(b) The request of the petition may be acceded to by the Council of the current or next succeeding year either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed, having regard only to the lands abutting on or benefitted by, as the case may be, the part of the local improvement which is made.

(c) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected, representing at least one-half in value thereof as aforesaid, petition the Council against the same within two weeks after the last publication of notice of the intention of the Council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published in the city.

(d) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the Council no second notice for the same shall be given by the Council within the then current calendar year.

(e) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the Council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the Council against such local improvement or assessment, it shall be lawful for the Council of the same or next succeeding year to undertake the proposed local improvement.

5. Any local improvement may, in the discretion of the Council, be undertaken either before or after the costs thereof shall have been ascertained and finally determined as aforesaid, unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

6. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it was paid.

7. There shall be a right of appeal against every assessment made under the authority of any by-law passed under this Title to a court of revision to be composed of the mayor and council

of the city, and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be in the case of an appeal from an ordinary assessment.

8. Notice of every proposed special assessment shall be given by the assessors to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth:

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of local improvement;
- (d) The portion, if any, of the cost to be borne by the municipality at large;
- (e) The portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the Court of Revision for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

9. A memorandum in any proper book or roll kept for that purpose, of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

10. No assessment under the provisions of this title of this Act shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends, unless an application to quash the same shall have been made in accordance with the provisions of Title XXIV of this Act and before the date fixed for the sittings of the Court of Revision.

11. The decision of the Court of Revision, subject to an appeal to a judge as in section 7 hereof provided, shall be final and conclusive upon all matters respecting the assessment and special rate and the Court of Revision and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

12. The moneys required to pay the cost of local improvements may be borrowed under the authority of one or more by-laws and the portion payable by way of special assessment and the portion to be borne by the municipality at large may be provided for in one or more separate by-laws and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise:

(1) The amount of the debt which such by-law is intended to create and the object in general terms for which it is to be created;

(2) The total amount required to be raised annually for paying the debt and interest under this by-law and whether the whole, or if not, what portion thereof is payable by way of special assessment and the system of special assessment applicable;

(3) The total value of the land charged with the special assessment, and if any portion of the debt created by such by-law is to be borne by the municipality at large, the value of the whole rateable property of the city according to the last revised assessment roll;

(4) That the debt is contracted on the credit and security of the municipality at large, but as to so much as is not to be paid by the municipality at large, the city is to collect the same only by way of special assessment as aforesaid.

13. In the case of any by-law heretofore passed by the city of Medicine Hat or hereafter passed by the city for the purpose of borrowing by way of debentures the money required to pay the cost or part of the cost of a local improvement, the same shall be valid and binding notwithstanding any defect of form or substance therein or in the proceedings prior thereto or in the passing thereof, except upon an application to quash the same made within two months of the passing thereof and any debentures purporting to be issued under the authority thereof shall be valid and binding notwithstanding any defect of form or substance therein, provided that the amount of the principal and the rate of interest be as set forth in the by-law and that the payment of the principal or instalment thereof or sinking fund therefor as the case may be, with the accrued interest, be not deferred longer than one year beyond the period originally fixed as the estimated lifetime of the local improvement.

TITLE XXXV.

PUBLIC WORKS.

1. The city shall have power to construct, erect, equip, build, purchase, drill, explore for, improve, extend, hold, maintain, manage and conduct waterworks, telephone systems, street railways or tramways, irrigation ditches, sewers, either storm or sanitary, gas (including natural gas,) petroleum, oil, electric or any other artificial light or heat or power either in connection with gas or otherwise; and all buildings, material, machinery and appurtenances necessary in connection therewith and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light, heat or sewer.

(2) The city may sell, lease or dispose of all fittings, machines, apparatus, meters or other things used in connection with any public utility carried on by it together with every product, refuse or residue resulting from the conduct of any such business.

(3) The city shall have power to enter upon or purchase such lands and buildings as they may deem necessary or advantageous for the purposes aforesaid.

(4) The City shall have the power to carry on the business of an electric light company in all its branches, and in particular to construct, lay down, establish, fix and carry out all necessary cables, wires, lines, accumulators, lamps and works, and to generate, accumulate, distribute and supply electricity, and to light cities, towns, streets, markets, theatres, buildings and places both public and private, and to carry on the business of electricians, suppliers of electricity for the purposes of light, heat, motive power, or otherwise, and dealers in all apparatus and things required for or capable of being used in connection with the generation, distribution, supply, accumulation, and employment of electricity.

2. The city shall have power to employ such Commissioners of Public Works, Engineers, Surveyors and other persons as may from time to time in the opinion of the Council be necessary or expedient to enable the powers of the city to be properly exercised.

3. The Council may from time to time make and enforce by-laws, rules and regulations for the general maintenance or management or conduct of any public works acquired, constructed or maintained under this Act; and of the officers or others employed in connection with them and for the collection of the rates and charges for supplying water, whether by waterworks or irrigation ditches, telephone, street railways or tramways, gas, petroleum, oil or electricity or other means of providing light, heat or power hereunder; and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and place where the same shall be payable, and may allow such discount as they may deem expedient for prepayment or punctual payment.

(2) And for enforcing payment of such rates, charges or rents by action in any court of competent jurisdiction, or by shutting off the water, gas or electricity, disconnecting or discontinuing the service to any premises of the person in default, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the city, such distress and sale to be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under the Ordinance respecting Distress for Rent and Extra Judicial Seizures; but an attempt to collect the rates or rents by any such process shall not in any way invalidate any lien which the city is entitled to upon the premises in respect of which the indebtedness has been incurred.

4. Any official authorized by the city for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made or in the case of the written au-

thority of the Mayor given in respect of the special case without notice to all parts of every building or other premises in which water, gas, or electricity is delivered and consumed, or which is served by a sewer for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient; and for this purpose or for the purpose of protecting or regulating the use of such meter may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

5. Where any consumer discontinues the use of water, telephone, gas or any other utility furnished by the city under this Act, or the city lawfully refuses to continue any longer to supply the same, the officers and servants of the city may at all reasonable times enter the premises in or upon which such consumer was supplied with water, gas, or other means of providing light or heat or power for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the City in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

6. The city, their engineers, servants and workmen from time to time and at such times as the city shall see fit may enter into and upon, take or use the land of any person, bodies politic or corporate in the city or within ten miles thereof and may survey, set out and ascertain such parts thereof as are required for the purposes of waterworks, petroleum, oil, gas, telephones, sewers, electric light or power or any other public works which it is under this Title empowered to construct or operate, and may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof or of any privilege that may be required for the purpose of any such waterworks, or other works, at the option of the city.

7. The city may construct, erect and maintain in and upon any land acquired under the provisions of this Act all reservoirs, waterworks, petroleum, oil, gas works or wells and shafts, dams, buildings, machinery or other things requisite for the undertakings authorized under this Act, and for conveying water, gas, petroleum, oil, electricity or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

8. The city and its servants under its authority may for the said purposes enter and pass upon and over any such lands, and the same may cut and dig up, if necessary, and may lay down pipes, excavate ditches, erect poles and wires through the same, and in, upon, through, over, and under the highways, streets,

lanes, roads, squares, bridges, or other passages, whether the same be within the city or not, and for such purposes may break up, dig and trench the same, and for the purposes of taking up, examining, or keeping in repair and otherwise maintaining any public works, may exercise the same power, and any power given to the city under this section covering lands vested in the city as may with the consent of the owner thereof be exercised in regard to private property.

(2) All lands not being the property of the city and all highways, streets, lanes, roads, squares, bridges or other passages so dug up or interfered with shall be restored to their original condition as nearly as reasonably may be without unnecessary delay.

(3) The city may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said city may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same; and for the purchasing of said lands required for the protection and improvement of the said works, or for the taking up, moving, altering or repairing the same and for enabling the same to be used by the inhabitants of the community or the city or for the proprietors or occupants of the land through or near which the same may pass.

9. For the purpose of any such public works the city may sink and lay down pipes, wells, tanks, reservoirs and erect poles, wires, and buildings and other conveniences and may from time to time alter all or any of the said works as well in the position as in the construction thereof as they may deem advisable.

10. All works, wells, pipes, poles, wires, erections and machinery requisite for any public works shall be vested in and be the property of the city.

11. Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the City, and the City shall be solely responsible for keeping the same in repair, but connections between private property and sewers shall be made by the City on payment by the owner of the charges therefor to the outer line of the street, at a point to be designated by the owner and the owner shall be solely responsible for the repair thereof.

(2) In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water or gas is to be taken or with which the sewer is to be connected, the City may with the consent of the owner lay the service pipes or sewer connections across such vacant space and charge the cost thereof to the owner of the premises or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the City or person appointed by it in that behalf.

(3) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the City (except the laying or repairing of the ser-

vice pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the City) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the City, or if not paid may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person as aforesaid exceed \$5.00.

12. All service pipes or sewers from the street line to the interior face of the outer walls of the building supplied together with all branches, couplings, stop-cocks and apparatus placed therein by the City shall be under its control; and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect or otherwise the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the City, and in default of his so doing, whether notified or not the City may enter upon the lands where the service pipes or sewers are and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

(2) The stop-cock placed by the City inside the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

(3) Parties supplied with water by the City may be required to place only such taps for drawing and shutting off the water as are approved of by the City.

13. The City shall regulate the distribution and use of the water, gas and electricity in all places and for all purposes where the same may be required and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit and direct in what manner and for what purposes the same shall be used, all or any of which they may change at their discretion and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water, gas or electricity supplied to him there or for the use thereof and all rates, costs and charges imposed under any by-law passed in pursuance of this Act shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

14. In the event of the rate or rent remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid, the collector shall make a return showing the amount of the rent or rate so in arrears together with all costs and charges in connection therewith; and the same shall

be returned by the collector to the secretary-treasurer of the city at least once in every year and on such day or days as may be fixed by the Council or by by-law in that behalf, and the same together with interest at the rate of ten per centum per annum thereon shall be collected by the secretary-treasurer by the sale of the land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

15. The city shall have power to employ the ordinary collectors and assessors and such other persons as in its opinion may be necessary to carry out the objects of this Act and to specify their duties and to fix their compensation, and all such persons shall hold their offices at the pleasure of the Council or as the Council shall determine by by-law in that behalf; and shall give security as the Council shall from time to time require; and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the city may by law possess and enjoy in respect of municipal taxes.

16. The city shall not be liable for damages caused by the breaking of any gas or water main service pipes or attachments or the bursting of any ditches or for any interference with a supply of water, gas, or electricity necessary for the repair or proper maintenance of any public work, or generally for any accident due to the operation of any public work unless such accident is shown to be directly due to the negligence of the city or its employees.

17. The said city shall have power and authority to supply with water, gas, light and heat, power or telephone service, street railways, or tramways upon special terms any person or corporation outside the city and may exercise all other powers necessary to the carrying out of their agreement with such city or person as well within the suburbs as within the city; and they may also from time to time make and carry out any agreement which it may deem expedient for the supply thereof to any railway company or manufactory, provided that where such supply is to be made in another municipality which itself possesses any similar public work no pipes, poles or wires for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon.

18. The City may make such by-laws as to the Council may seem requisite for prohibiting by fine not exceeding \$20 and costs or in default by imprisonment for any term not exceeding one month any person being tenant, occupant or inmate of any house, building or other place supplied with gas or with water from the waterworks from lending, selling or disposing of any gas or water thereof, from giving it away or permitting it to be

taken or carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit, or from increasing the supply of gas or water agreed for with the City or from wrongfully neglecting or improperly wasting any gas or water.

(2) And may also make or pass by-laws or resolutions regulating the time, manner, extent and nature of the supply by the works to the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the municipality a continued and abundant supply of gas and of pure and wholesome water and to prevent the practising of frauds upon the City with regard to the gas and water so supplied.

19. Where there are buildings within the municipality different parts thereof belonging to different tenants or lessees, the City may carry pipes, wires or rods to any part of any buliding so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

20. The city shall construct all public works and all apparatus and appurtenances thereunto belonging, appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety.

21. Where the city has constructed any works for supplying the inhabitants with water, gas, light, heat or power, as hereinbefore provided and where there is a sufficient supply thereof, it shall be its duty to supply all buildings within the city situate upon land lying along the line of supplies, upon the same being requested by the owner or occupant or other person in charge of any such buildings, at the customary charges and on the customary terms.

22. (Repealed.)

23. In addition to any other taxes which the city may lawfully impose it shall have the right to levy a special waterworks tax annually against every lot fronting or abutting on any street, lane, or public highway, which is traversed by the waterworks system, of an amount not exceeding eight cents per lineal foot, which shall be known as a waterworks charge but any by-law providing for exceptional assessment which the Council may pass for the purpose of local improvements shall regulate and control the extent of the frontage on which such charge shall be imposed.

24. In case a petition signed by two-thirds of the resident burgesses is presented to the Council asking for the construction of Public Works under the power conferred by this Act:

(1) It shall be the duty of such Council to submit a by-law for the construction of such public works to the vote of the burgesses and such Council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such Council and shall submit the same to the vote of the burgesses within six weeks after receipt of the petition by the Council.

(2) The power of the Council shall not be deemed to be abridged by this Act except as expressly stated herein.

(3) The proceedings in taking the vote and the persons having a right to vote shall be the same as required under Title XXIII hereof.

25. If the by-law be approved by two-thirds of the burgesses voting thereon it shall be the duty of the Council to pass the by-law and forthwith to proceed in the construction of the works, provided always that the Council may for any good cause if deemed expedient by a vote of two-thirds of its members hold the works in abeyance until the next general municipal election.

26. The city shall do as little damage as may be in the execution of the powers by this Act granted to them and shall make reasonable and adequate satisfaction to the owners, occupants or other persons interested in the land, waters rights or privileges entered upon, taken or used by the city or injuriously affected by the exercise of its powers and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in Title XXVII hereof.

27. The city, its officers, agents and servants shall have the like protection in the exercise of it and their respective offices and the execution of it and their duties as public officers have under the laws of the Province of Alberta.

28. All materials procured or partly procured under contract with the City and upon which the City shall have made advances in accordance with such contract shall be exempt from execution.

29. The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings and all other real or personal property connected with or appertaining or belonging to any work under this Act shall be exempt from taxation for municipal, school or other purposes

30. No property owned by the City under the authority of this Act shall be liable to seizure by way of distress for rent.

31. The City may dispose of any real or personal property acquired by them for the purpose of this Act when no longer required and until sold may rent or lease the same; any property

so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the City; but the proceeds of sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon; but may be reinvested in similar property under the authority of this Act, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the City and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the City may take security by way of mortgage to secure the same; and the City shall have all the rights, powers or remedies, expressed in or implied by any mortgage given as fully as if the mortgage and the proceeds thereof shall be subject to the provisions of this section.

32. No member of the Council of the city shall personally have or hold any contract in connection with any works under this Act or be directly or indirectly interested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the Council of the City or being employed as an official of the city by reason of his being a taker or a consumer of water, light, heat or power supplied by the City or by reason of any dealing or contract with the City with reference to the supply of water, light, heat or power to such person or by reasons of being indebted to the City on any contract to say therefor.

33. All persons and corporations who shall by themselves, their servants or agents by act, default, neglect or omission occasion any loss, damage or injury to the public works constructed under the provisions of this Act or to any plant, machinery, fitting or appurtenance thereof shall be liable to the City for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the City in any court of competent jurisdiction.

34. The City may purchase or lease any works constructed for the supply of water, gas, light, heat and power within or in the neighbourhood of the city and being the property of any person or company and under the provisions of this Act may improve or extend such works.

35. If any person does or commits any of the following acts:

(1) Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted, the said City or its manager, contractors, servants, agents, workmen or any of them in the exercises of any of the powers and authorities in this Act authorized and contained;

(2) Wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;

(3) Not being in the employment of the City and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant or obstructs the free access to any hydrant, stop-cock, chamber pipe or hydrant chamber by placing on it any building, material, rubbish or other obstruction;

(4) Throws or deposits any injurious, noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done;

(5) Wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorized by the City for that particular purpose and occasion;

(6) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works or in any way obtains or uses any water, gas or electricity thereof without the consent of the City;

(7) Washes or cleanses cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth; causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled, and if such person is convicted of such act before a justice of the peace he shall for every such offence forfeit and pay a sum not exceeding twenty dollars and not less than one dollar together with the costs and charges attending the proceedings and conviction.

36. The penalties in money under the last preceding section or any portion of them, which may be recovered shall be paid to the convicting justice and by him paid to the treasurer of the city.

37. Any public work provided for in this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings or in conjunction as one entire undertaking.

38. It is hereby provided that any public work or works constructed or acquired under this Act and all lands acquired for the purpose thereof and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality on the credit of the municipality at large, and subject to section 37 of this title,

such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed at the credit thereof by the City for the purposes thereof and for any debentures which may be issued therefor; and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues for the securing of the repayment of the same and the interest thereon irrespective of the order in which the same are issued.

39. After the construction of the works all the revenues arising from and out of the supplying of water, gas, light, heat or power or from the real and personal property connected with the works to be acquired by the City under this Act shall, after providing for the expenses attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or a sinking fund and interest up to the end of the then current year, year by year be transferred to and form a part of the general funds of the City and may be applied accordingly.

40. In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon, the holder or holders of such debentures shall be at liberty as often as such default shall happen and shall have continued for the space of twelve months but without prejudice to the jurisdiction of any competent court to interfere before the expiration of such period, to enter upon and take possession of the public work or works, lands and appurtenances and operate the same until all arrears of principal and interest and the reasonable costs and expenses of taking possession and of operating the same shall be fully paid and may on such terms as any competent court or a judge thereof may order, advertise and sell the said public work or works, lands and appurtenances by public auction and apply the proceeds of such sale in repayment of the moneys so borrowed and interest and costs and expenses and the balance, if any, remaining after such payment shall be paid over to the municipality.

41. The purchaser or purchasers on any such sale and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchises relating to the construction, maintenance, working and conduct of the work or works which are by this Act conferred upon the City subject to the right of the City to resume the ownership thereof at the expiration of ten years from such sale on giving six months' notice and on payment within six months after such period of ten years at a valuation to be ascertained by arbitration, subject to the assent of the burgesses as in the case of the original construction or purchase of said works.

42. In case the City fails to exercise the right of resuming the ownership of the public work or works at the expiration of the

said period, the City may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

43. Debentures issued in pursuance of a by-law passed under the authority of this Act may be dated as of the actual date of the issue thereof; provided such date be within four years from the date of the final passing of the by-law and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

44. For the purpose of assisting in the payment of any debenture issued for the purpose of waterworks constructed or acquired under the provisions of this Act and the interest thereon, it shall and may be lawful for the City to provide by by-law for the assessment and collection of a special tax or rate in each year, not exceeding four mills in the dollar, upon the several properties according to the assessed value thereof fronting or abutting upon the street in, through and along which the waterworks mains are laid as well as all other properties which may enjoy the advantage of the use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purpose of said waterworks and the annual instalment of principal or the annual amount of payment to the sinking fund for the payment of the principal thereof provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year or such proportion thereof as equals such special tax, shall remit or allow such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

45. The Council may itself or by its officers exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the city or such Council may either before the commencement of the works or at any time while they are in the course of construction or after their completion by by-law provide for the appointment of one or more commissioners for such purpose.

(2) Upon the appointment of a commissioner or commissioners all the powers, rights, authorities or immunities which under this Act might have been exercised or enjoyed by the Council and the officers of the city acting therefor shall and may be exercised by the commissioner or commissioners who shall be deemed for the purpose of such works to be clothed with the full authority of the Council and shall be responsible only to the Council in regular meetings assembled. The commissioners shall have power to appoint or remove any officer or employee required in or about any public works, for whose service provision has been made by the Council.

(3) Nothing herein contained shall be construed to divest the Council of its authority with reference to the providing of moneys required in respect of such works and the secretary-treasurer of the city shall upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

46. The commissioner or commissioners shall be appointed from time to time by by-law of the Council on such terms and at such salary as the Council may deem expedient, and each such commissioner shall hold office for the term stated in such by-law unless previously removed for misconduct.

47. Every commissioner shall before taking office give such security for the performance of his duties as the Council shall require.

48. No commissioner appointed as aforesaid shall, subject to section 32 of this title, personally have or hold any contract in connection with the said works or be directly or indirectly interested in the same or any of them.

49. The Council of the city, in case the construction of the works be entrusted to a commissioner or commissioners, may by by-law at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the work and in such case all the rights, powers, authorities, immunities, duties and liabilities, then belonging to the commissioner or commissioners shall be transferred to and vested in the Council; but any officer or employee appointed or employed by the commissioner or commissioners in or about the construction or management of the works shall be continued until removed by the Council unless his engagement be sooner terminated.

50. The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds, or assets belonging to the works; and all such books shall be open to the examination of any person appointed for that purpose by the Council.

(2) The commissioner or commissioners on or before the 15th day of January in each year or upon such other day as the Council may name shall cause a return to be made to the Council containing a statement of the affairs of the works which shall show the amount of the rents, issues, and profits arising from the works and the number of consumers during the previous year; the extent and value of the moveable and immoveable property belonging to the works; the amount of debentures then issued and remaining unredeemed and uncanceled and the interest paid thereon or yet due and unpaid and the state of the sinking fund; the expenses of collection and management and all other contingencies; the salaries of officers and servants, the

costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the works; and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the Council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course and the commissioner or commissioners and all the officers shall furnish to the auditor or auditors such information and assistance as may be in their power to enable the auditor or auditors to properly audit such account.

51. The commissioner or commissioners and the clerks employed in their departments shall be sworn before a justice of the peace for the faithful performance of their duties; the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such book shall be open for the inspection in the same manner as the books mentioned in the next preceding section.

TITLE XXXVI.

PENALTIES.

1. Where any fine or penalty is imposed by this Act then if the provisions of part LVIII of the Criminal Code, 1892, do not apply and if no other mode is prescribed for the recovery thereof the same may be recovered with full costs by civil action in the Supreme Court at the suit of the city or at the suit of a private party (suing as well for the city as for himself); and unless other provision is made for the appropriation of the penalty one-half thereof shall belong to the city and the other half to the private plaintiff, if any there be and (if there be none) the whole shall belong to the city.

2. The Council may by any by-law:

(1) Impose a penalty not exceeding \$100.00 exclusive of costs for breach of ANY provision of ANY by-law;

(2) Enact that in case the conviction be for the non-payment of any license fee payable to the city under the provisions of any by-law of the city the convicting magistrate may adjudge payment thereof in addition to the penalty.

(3) Enact that in case the conviction be for any breach of any by-law of the city relating to the prevention of the growth of noxious weeds or of the cutting and removal of noxious weeds the convicting magistrate or justice of the peace may adjudge in addition to the penalty payment of all costs of cutting and removal of such weeds in case such cutting or removal shall have been done by or under the direction of the city.

had, then notwithstanding anything hereinbefore contained, if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

2. All the by-laws hereto finally passed by the Council of the municipality of the City of Medicine Hat during the year 1912 and which have been submitted to a vote of the burgesses of the said city and which have received the assent of two-thirds of the burgesses voting thereon are and each of them is, together with the several terms of the agreement referred to in said by-laws, hereby declared legal, valid and binding on the said City of Medicine Hat notwithstanding any want of jurisdiction or power on the part of the said City of Medicine Hat or the Council thereof to pass said by-laws or any of them and notwithstanding any informalities, irregularities or defects herein either in substance or in form and each and all of the debentures and the coupons thereto attached, issued or to be issued under said by-laws or either or any of them, are hereby declared legal and valid and the said City of Medicine Hat shall be bound to pay each and all of said debentures and coupons as therein respectively stated, and all assessments made or to be made for the payment of any and all of the said debentures are confirmed and declared to be legal, valid and binding and the said City of Medicine Hat is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-laws or any one or more of them. (1913, Cap. 28).

To establish, maintain, control and operate a prison farm or farms, reformatories, children's shelters or homes, tubercular, isolation or other hospitals of any kind, within or without the limits of the city, and to purchase, lease or acquire by expropriation proceedings under title XXVII hereof, or otherwise, the necessary land and to build, erect and maintain all buildings required therefor, provided that all land used by the city for any such purpose shall be deemed to be and shall form part of the City of Medicine Hat in the same way as lands within the limits of the city, provided that the said lands shall not be exempt from taxation by the municipality in which same are actually situate.

(2) To define and control the class or classes of prisoners to be admitted to any such prison farm so established, and to employ or make use, either with or without remuneration therefor, the services or labour of any person serving any sentence at any such prison farm. (1913, 2nd Session, Cap. 35).

Notwithstanding any provision herein contained the city shall have no power:

(1) To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, or railway or any other business or concern whatsoever either within or without the municipality.

(2) To exempt from taxation any such manufactory, mill or railway or other business or concern, nor subscribe for stock in or guarantee the bonds, debentures or other securities thereof;

Providing that the provisions of this section shall not apply to any agreement in existence at the time of the passing of this amendment between the city and any person, firm or corporation and to any by-law passed or to be passed in relation thereto;

Provided also that if the Council of any city attempt to pass a by-law contrary to the above provisions in regard to bonusing, each member of the Council voting in favour of such by-law shall be liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs, and such members of Council shall be disqualified from holding any municipal office for a period of two years;

And provided further that the city may sell to any person, firm or corporation for any or all of the purposes enumerated in subsection 1 of said section thereof, land at any sum not less than the actual cost thereof to the city, plus interest at six per centum per annum from the date of purchase, or acquisition, to the date of sale, or the value thereof according to the last revised assessment roll, whichever may be the lesser, or lease for such purposes any lands, buildings or portion thereof to any person, firm or corporation at a rent not less than a sum equivalent to six per centum per annum of the assessed value thereof according to the last revised assessment roll; and may sell, distribute or deliver to any person, firm or corporation light, heat, power, water, gas, oil, electricity, or coal, at any price not less than the actual cost thereof to the city.

Provided that nothing herein contained shall be taken to prevent the City of Medicine Hat from entering into an agreement with the Canadian Northern Western Railway Company based upon the terms of a certain resolution passed by the municipal council of the said City on or about the 21st day of July, 1913; and such agreement and any by-law passed in relation thereto when made and passed shall be valid and binding notwithstanding anything herein contained. (1913, 2nd Session, C. 35).

Notwithstanding any provision heretofore contained in this charter the city shall not enter into or upon, take or use any highway, street, lane, road, square, bridge or other passage within the limits of any other city, town or village, without the consent of the council of said city, town or village first had and obtained.

(2) Provided, however, that where there is a dispute between the city and any rural municipality in connection with work that is being carried on within the boundaries of that municipality such dispute shall be adjusted by the Minister of Public Works. (1913, 2nd Session, C. 35).

If the local board of health for the city or the medical health officer or sanitary inspector, or any person authorized by them upon due examination is satisfied that any building, enclosure or structure or portion thereof has for any reason become or is unfit for the purpose for which it is used or that it has become a nuisance or in any way dangerous to the health of the occu-

pants or neighbours, the medical health officer or the sanitary inspector of the city may issue a notice addressed to the owner of such premises or the agent or person in charge of the same or any of them requiring the premises to be put in proper sanitary condition including the addition and installation of proper sanitary appliances within a stated time, or, requiring the occupants to quit and close up the premises within such time as the board may deem reasonable. If the person so notified or any of them refuse or neglect to comply with the terms of the notice, every person so offending shall be liable to a fine not exceeding ten dollars for each and every day he shall so neglect or refuse and in default of payment to imprisonment for a period not exceeding thirty days, and the board may cause the premises to be properly cleaned and make sewer and water connections, instal plumbing and effect such alterations as may be necessary to put the premises in a sanitary condition at the expense of the owner or occupants or may remove or cause to be removed the occupants forcibly and close up the premises, and if so closed the same shall not be re-occupied until put in proper sanitary condition. A certificate signed by the medical health officer of the city, showing the amount of expenses incurred by reason of doing of all or any of the above things shall be with the city treasurer who shall enter such amount shown in such certificate in the roll against the property affected and the same shall become taxes and be collected with the ordinary municipal taxes.

(2) If the owner, agent or occupant refuses or neglects to comply with any notice given as aforesaid, the medical health officer may either before or after the occupants have left the premises, affix to the building or structure a placard declaring the same unfit for occupation and forbidding the use of the same, and any person removing or defacing any such placard shall be liable to a penalty of not less than five dollars per day and not exceeding twenty dollars and in default of payment to imprisonment for a period not exceeding thirty days.

(3) Any owner, agent or person renting or allowing to be occupied or any person occupying such building, enclosure or structure or portion thereof without the consent of the medical health officer, shall be liable to a penalty of not less than ten dollars and not exceeding twenty-five dollars for each day the same is rented, allowed to be occupied or occupied, and in default of payment to imprisonment for a period not exceeding thirty days. (1914, Cap. 38).

Notwithstanding anything in this Act contained the council may by by-law enact and constitute a board of commissioners of police and shall define powers and duties of such commissioners. Such board shall consist of the mayor (or in his absence the acting mayor), the District Court Judge of the Judicial District of Medicine Hat and the police magistrate. In case the office of District Court Judge or that of police magistrate is vacant, the council shall appoint a person resident in the city to be a member of the board or two persons so resident to be members thereof

as the case may require during such vacancy. The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties and shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in the province in civil cases. The commissioners and each of them shall be paid such salary or remuneration as the Council may fix. (1914, Cap. 38).

All grants of money heretofore made or hereafter made by the council for any loyal or patriotic purpose in connection with German-European war is hereby confirmed and declared to be valid and binding and within the powers of the council. (1914, Cap. 38).

The council may by by-law levy, assess or charge against each householder in the city such sum or sums as in the opinion of the council may be required for the proper cleaning of the streets and for the removal and disposal of garbage, swill, refuse excreta, decaying animal or vegetable matter and all other such material, and may in the said by-law fix the time or times of payment, and such levy, assessment or charge shall constitute a debt due to the city and may be recoverable by action in any court of competent jurisdiction. "Householder" shall mean the occupant or person in charge of any house or premises whether as owner, tenant, agent, or otherwise howsoever. (1919, Cap. 59).

By-law No. 181 of the City of Medicine Hat passed on the 23rd day of August, 1909, being a by-law to provide for the investment of sinking fund moneys and for the appointment of Sinking Fund Trustees of the City of Medicine Hat, is hereby declared to be legal, valid and binding, and the actions of any trustees heretofore or hereafter appointed in pursuance of the authority of the said by-law are hereby declared to be ratified and confirmed. (1919, Cap. 59).

The council of the City of Medicine Hat may in its discretion, increase the rate of interest payable upon any unsold debenture to not more than six per centum per annum. (1919, Cap. 59).

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